

**CITY OF SANTA BARBARA
CITY COUNCIL
REDEVELOPMENT AGENCY**

Marty Blum
Mayor/Chair
Dale Francisco
Mayor Pro Tempore/Vice Chair
Das Williams
Ordinance Committee Chair
Roger L. Horton
Finance Committee Chair
Iya G. Falcone
Grant House
Helene Schneider



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**SEPTEMBER 15, 2009
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The Council/Redevelopment Agency, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or Council/Redevelopment Agency regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council/Redevelopment Agency considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:00 Noon - Special Ordinance Committee Meeting, Council Chamber
- 1:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Redevelopment Agency Meeting

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 NOON IN THE COUNCIL CHAMBER (120.03)

1. Subject: Amendments To Regulations Concerning The Undergrounding Of Utilities And Prescribed Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed Due To Natural Disasters

Recommendation: That the Ordinance Committee:

- A. Review draft ordinance amendments to Municipal Code Chapter 22.38 (Undergrounding of Utilities) and Chapter 28.87 (Reconstruction of Damaged Nonconforming Structures); and
- B. Provide any suggested changes and forward to Council for introduction and adoption.

2. Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

SPECIAL FINANCE COMMITTEE MEETING - 1:00 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: Funding Allocation Of City's Community Promotion Grants With The Santa Barbara County Arts Commission For Fiscal Year 2010

Recommendation: That the Finance Committee review the City's Arts Advisory Committee grant funding recommendations for Fiscal Year 2010 and forward the recommendations to the City Council for approval.

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.
REGULAR REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

- 1. Subject: Proclamation Declaring September 2009 As National Alcohol And Drug Addiction Recovery Month (120.04)**
- 2. Subject: Employee Recognition - Service Award Pins (410.01)**

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2009.

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

CITY COUNCIL

- 3. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of August 12, 2009, the regular meetings of August 18, and August 25, 2009, and the regular meeting of September 1, 2009 (cancelled).

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

4. Subject: Records Destruction For Public Works Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Administration, Facilities Maintenance, Transportation and Water Resources Divisions.

5. Subject: Mooring Regulations In The Harbor District (570.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Rules and Regulations for Issuing Mooring Permits in the City of Santa Barbara Mooring Area, Setting Minimum Specifications for Installing, Inspecting, and Repairing Such Moorings, and Repealing Resolution No. 06-027.

6. Subject: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Policies (570.03)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.20.005, 17.20.220, and 17.20.265 Pertaining to Operations at the Waterfront.

7. Subject: Community Promotion Contract With Summer Solstice Celebration, Inc. (230.02)

Recommendation: That Council authorize the Interim Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$42,057 to support year-round salary and production expenses.

8. Subject: Catch Basin Inlet Storm Drain Screens Project (540.14)

Recommendation: That Council increase the appropriation and estimated revenue by \$1,789,388 in the Fiscal Year 2010 Creeks Capital Fund for the Catch Basin Inlet Storm Drain Screens Project.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

9. Subject: Upper Las Positas Creek Restoration And Storm Water Management Project (540.14)

Recommendation: That Council increase appropriations and estimated revenues by \$1,652,197 in the Creeks Capital Fund for the Upper Las Positas Creek Restoration and Storm Water Management Project.

10. Subject: Purchase Order For Water Treatment Sludge Disposal (540.10)

Recommendation: That Council:

- A. Waive the formal bidding process, as authorized by Municipal Code Section 4.52.080(k), and authorize the City General Services Manager to issue a Purchase Order to the Ventura Regional Sanitation District (VRSD) in the amount of \$200,000 for the disposal of up to 6,500 tons of water treatment sludge in Fiscal Year 2010;
- B. Authorize the City General Services Manager to renew the Purchase Order to the VRSD annually through Fiscal Year 2012, subject to Council approval of the annual Water Fund budget; and
- C. Authorize the City General Services Manager to execute an agreement with the VRSD for delivery of water treatment sludge to the Toland Road Landfill for a three-year period.

11. Subject: Approve Cost Sharing For The Jesusita Fire Flood Protection And Mitigation Projects (520.02)

Recommendation: That Council:

- A. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Projects between the City of Santa Barbara and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), and authorize the Public Works Director to execute the agreement;
- B. Waive the formal bid process, as authorized by Municipal Code Section 4.52.080 (Emergency Purchases), and authorize the City General Services Manager to issue a Purchase Order to AIS Construction in an amount not to exceed \$315,000 for the construction of debris barriers, and Purchase Orders not to exceed \$115,500 for additional Jesusita Fire mitigation work, including the installation of storm drain riser pipes, k-rail, and sandbags;

(Cont'd)

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

11. (Cont'd)

- C. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Project: Aerial Hydromulching between the City of Santa Barbara and Santa Barbara County Flood Control and Water Conservation District, and authorize the Public Works Director to execute the agreement; and
- D. Approve the expenditure of \$50,000 from the Streets Fund to County Flood Control to support aerial hydromulching.

12. **Subject: Set A Date For Public Hearing Regarding Single Family Design Board Preliminary Approval Of 2105 Anacapa Street (640.07)**

Recommendation: That Council:

- A. Set the date of October 6, 2009, at 2:00 p.m. for hearing the appeal filed by Tony Fischer, Attorney representing Friends of Upper-Anacapa, of the Preliminary Approval of an application for property owned by Barbara E. Matthews Trust and located at 2105 Anacapa Street, Assessor's Parcel No. 025-242-011, E-1 Single Family Residence Zone, General Plan Designation: 3 Units per acre. The project proposes the demolition of an existing 1,752 square foot single-family residence and detached 340 square foot garage, and construction of a new 4,183 square foot three-story single-family residence and attached 410 square foot two-car garage. Floor to lot area ratio square footage deductions for full and partial basements result in a total of 3,375 square feet on a 9,372 square foot lot in the Mission Area Special Design District; and
- B. Set the date of October 5, 2009, at 1:30 p.m. for a site visit to the property located at 2105 Anacapa Street.

CONSENT CALENDAR (CONT'D)

CITY COUNCIL (CONT'D)

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Denial For 1642 And 1654 Calle Canon And 2418 Calle Montilla (640.07)

Recommendation: That Council:

- A. Set the date of October 13, 2009, at 2:00 p.m. for hearing the appeal filed by Joseph and Carolyn Maguire of the Planning Commission denial of an application for property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla, Assessor's Parcel Nos. 041-140-006, -008, and -009, A-2 and E-1 One-Family Residence Zones, General Plan Designation: Major Hillside. The proposal is for the subdivision of two lots into six lots. Due to slope density requirements, each lot must provide more than the minimum lot area for the zone. Three existing single-family residences are proposed to remain. The discretionary applications required for the project are a Lot Area Modification, Street Frontage Modifications, a Wall Height Modification, a Tentative Subdivision Map, and Public Street Waivers; and
- B. Set the date of October 12, 2009, at 1:30 p.m. for a site visit to the property located at 1642 and 1654 Calle Canon and 2418 Calle Montilla.

REDEVELOPMENT AGENCY

14. Subject: Minutes

Recommendation: That the Redevelopment Agency waive the reading and approve the minutes of the special meeting of June 30, 2009, and the regular meetings of July 14, 2009, and July 21, 2009.

15. Subject: Chase Palm Park Easement And Adjacent Recycled Water Easement (330.03)

Recommendation:

- A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113-020.

CONSENT CALENDAR (CONT'D)

NOTICES

16. The City Clerk has on Thursday, September 10, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
17. Received letters of resignation from Community Development and Human Services Committee Member Alice O'Connor and Westside Center Advisory Committee Member Carlos Guerrero; the vacancies will be part of the next advisory group recruitment.
18. The Redevelopment Agency of the City of Santa Barbara will hold a public hearing on October 20, 2009, at 2:00 p.m. to review the Draft Implementation Plan 2010-2014 for the Central City Redevelopment Project Area.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

19. Subject: Upper State Street Area Design Guidelines (640.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Design Guidelines for the Upper State Street Area.

MAYOR AND COUNCIL REPORTS

20. Subject: Request From Councilmembers Schneider And Williams Regarding A Letter Opposing New Federal Offshore Oil Drilling

Recommendation: That Council consider the request of Councilmembers Schneider and Williams to send a letter opposing new federal offshore oil drilling.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

CLOSED SESSIONS

21. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Rudy Munoz v. City of Santa Barbara, et al.*, SBSC Case Number 1302638.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

22. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is *Christine A. Kravetz v. City of Santa Barbara, et al.*, SBSC Case Number 1303351.

Scheduling: Duration. 15 minutes; anytime

Report: None anticipated

23. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider potential litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE

SPECIAL MEETING AGENDA

DATE: September 15, 2009
TIME: 12:00 p.m.
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

1. Subject: Amendments To Regulations Concerning The Undergrounding Of Utilities And Prescribed Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed Due To Natural Disasters

Recommendation: That the Ordinance Committee:

- A. Review draft ordinance amendments to Municipal Code Chapter 22.38 (Undergrounding of Utilities) and Chapter 28.87 (Reconstruction of Damaged Nonconforming Structures); and
- B. Provide any suggested changes and forward to Council for introduction and adoption.

2. Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Ordinance Committee

FROM: Building & Safety and Planning Divisions,
Community Development Department

SUBJECT: Amendments To Regulations Concerning The Undergrounding Of
Utilities And Prescribed Time Limits To Rebuild Nonconforming
Properties Damaged Or Destroyed Due To Natural Disasters

RECOMMENDATION: That the Ordinance Committee:

- A. Review draft ordinance amendments to Municipal Code Chapter 22.38 (Undergrounding of Utilities) and Chapter 28.87 (Reconstruction of Damaged Nonconforming Structures); and
- B. Provide any suggested changes and forward to Council for introduction and adoption.

DISCUSSION:

The Tea Fire that occurred in November 2008 destroyed 151 homes within the City's boundaries. The Jesusita Fire that burned in May 2009 damaged or destroyed 5 homes within the city. The City has taken several measures to mitigate the impacts of these disasters on property owners and residents attempting to rebuild their homes. These proposals are based on challenges experienced by home owners affected by the Tea and Jesusita Fires as they have gone through the building process.

RECONSTRUCTION OF DAMAGED, NONCONFORMING STRUCTURES

Under certain conditions, Municipal Code Section 28.87.038 authorizes the reconstruction of nonconforming buildings or structures that are damaged or destroyed as the result of a natural disaster. One of the ordinance conditions is that the reconstruction must commence within one year.

Property owners affected by the Tea and Jesusita Fires are in various stages of the review process. Most owners are not ready to begin construction. Some applicants began quickly and have been working out issues such as modifications, review by the Single Family Design Board, and new building codes. Other property owners have had to take time to deal with insurance issues, explore possible rebuilding options, or recover emotionally from the loss of their home before starting reconstruction.

While staff has made efforts to make the City process work as quickly and smoothly as possible, for the reasons stated above, a large number of qualifying rebuild projects will not meet the one-year deadline. Of the 168 Tea Fire area fire damaged homes, 74 properties have made application for SFDB review, with 56 approved to date. Based on review of applications received to date, planning staff estimates that approximately one-third of all projects involve the need to use Section 28.87.038 to allow non-conformances to continue.

As of the date of this report, 42 of the properties damaged or destroyed in the Tea Fire have submitted applications for a building permit. Even if all these 42 building permits are issued, the majority of Tea Fire homes would still not have obtained a building permit within the first year after the fire.

Therefore, staff recommends adding an additional year to the time allowed to have a building permit issued to rebuild a destroyed, nonconforming structure. Based on experiences following the Tea Fire, staff believes this additional time is necessary and appropriate to allow property owners a reasonable amount of time to assess the damage, work with their insurance company and other governmental agencies, develop their project, and complete the design review and building permit processes.

In addition, staff recommends deleting the requirement that the construction work be completed within two years. The California Building Code already contains provisions regarding the abandonment or expiration of building permits when construction work is not pursued in a diligent fashion. Therefore, a separate provision in this ordinance is probably not necessary and could lead to confusion.

UNDERGROUNDING OF UTILITIES

A second Staff proposal is to allow a property owner, at the discretion of the Community Development Director, to obtain relief from having to underground utilities to a structure that was destroyed in a natural disaster and that had overhead utilities prior to the event.

The Municipal Code as currently written requires property owners to underground their utilities when construction projects are proposed. The ordinance does provide a hardship waiver, but the waiver requires the payment of a substantial in-lieu fee. The ordinance does not provide for relief from the in-lieu fee in the case of reconstruction following a natural disaster.

Staff recommends an amendment to allow for relief from the in-lieu fee requirement in the case of rebuild projects following natural disasters where the affected utilities determine that undergrounding is infeasible. This amendment would allow this relief only if the residence being rebuilt does not exceed the square footage which existed

before the disaster. If a property owner elects to increase the size of the residence as part of the rebuild project, the property owner would be required to underground the utilities or to pay the in-lieu fee as provided in the Ordinance.

ATTACHMENT: Draft Ordinance

PREPARED BY: Chris Hansen, Building Inspector/Plan Check Supervisor

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 9/15/2009
SHOWING CHANGES FROM EXISTING CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING SECTION 22.38.050 OF
THE SANTA BARBARA MUNICIPAL CODE REGARDING
UTILITY UNDERGROUNDING REQUIREMENTS IN
CONNECTION WITH CONSTRUCTION PROJECTS AND
AMENDING SECTION 28.87.038 OF THE MUNICIPAL
CODE REGARDING THE RECONSTRUCTION OF
NONCONFORMING BUILDINGS DAMAGED OR DESTROYED
BY NATURAL DISASTERS

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

Section One. Section 22.38.050 of the Santa Barbara Municipal Code is amended to read as follows:

22.38.050 Hardship Waiver; In-Lieu Fees.

A. PROCEDURE. Whenever the cost of placing utility services underground is so great as to constitute an unreason-able hardship, the applicant for a City building permit or other permit or the owner of an interest in the real property may apply in writing to the Chief of Building and Safety for relief from the provisions of this Chapter. The request shall contain (i) a detailed description of the overhead utility services proposed to be placed underground; (ii) separate itemized cost estimates for construction of the project if the utilities were placed or relocated (a) underground or (b) above ground; and (iii) such other information as needed to determine hardship.

B. INVESTIGATION AND HEARING. The Chief of Building and Safety shall investigate the costs of the project if the utilities were placed underground or relocated above ground and obtain any other necessary information to make a determination on the application. Within twenty (20) days after the filing of the application, the Chief of Building and Safety shall hold a hearing on the matter at a scheduled time and place.

C. UNREASONABLE HARDSHIP; FINDINGS. After considering the request for relief, the Chief of Building and Safety shall determine whether any relief is proper under the circumstances, including, but not limited to, indefinite deferral of the undergrounding requirement. The Chief of Building and Safety shall grant relief only upon the following findings, as applicable:

1. The cost of placing existing utility services underground is either so (i) exorbitant or (ii) disproportionate to the total cost of construction as to constitute an unreasonable hardship;

2. No new utility poles are to be erected;

3. There are other overhead utility lines in the immediate vicinity which would remain even if no waiver were granted;

4. The costs of undergrounding exceeds ten percent (10%) of the project valuation if the project is a subdivision, or five percent (5%) of the project valuation for a project other than a

subdivision, as determined by the currently adopted valuation tables of the Chief of Building and Safety or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher;

5. The grant of approval would not be inconsistent with the intent and purposes of this Chapter; ~~and~~

6. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude reasonable measures to install utilities underground, the Chief of Building and Safety shall provide such relief as is consistent with the intent and purposes of this Chapter ~~;~~ or

7. Where the project involves the reconstruction, restoration or rebuilding of a single family residence which was damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy; provided, however, this finding is only available if the effected utility has determined that the required undergrounding is infeasible or not advisable for technical or maintenance reasons. For purposes of this finding only, the payment of in-lieu fees, as provided in paragraph 3 of Subsection 22.38.050.D below, may be waived by the Community Development Director if the reconstructed single family residence does not exceed the net square footage of the

residence that was legally permitted prior to the damage or destruction.

D. REQUIRED CONDITIONS. If relief is granted by the Chief of Building and Safety, the following conditions shall be imposed, as applicable:

1. The owner must execute and cause to be recorded, on forms to be provided by the City, a waiver of the right of protest to the formation of an assessment district proposed for the purpose of undergrounding utilities; and

2. An electric meter enclosure or other enclosure suitable for both overhead and underground utilities is to be installed; and

3. The owner shall pay the City an in-lieu fee of ten percent (10%) of the project valuation if the project is a subdivision and (i) the subdivision will contain more than two (2) new lots, or (ii) more than two (2) dwellings exist or may legally be constructed within the subdivision or (iii) the property is not zoned solely for residential uses.

TheAlternatively, the owner shall pay the City an in-lieu fee of five percent (5%) of the project valuation for other subdivisions or a project other than a subdivision. Project valuation shall be determined utilizing valuation tables or through use of an estimate provided by the architect, engineer or contractor for the project, whichever is higher. The fees

shall be deposited in a fund to be used only for undergrounding of utilities in the City and purposes directly related thereto. For subdivisions, the in-lieu fees shall be paid to the City prior to approval of a Final Map or Parcel Map. For other projects, the in-lieu fee shall be paid to the City prior to the issuance of the building permit for the project, unless a building permit is not required for the project, in which event the fee shall be paid to the City within thirty (30) days after the granting of the relief is final.

4. As to each subdivision for which a five percent (5%) in-lieu fee will be paid, an agreement approved by the City Attorney shall be recorded which (i) prohibits more than two lots within the property being subdivided, (ii) restricts the use of the subdivided property to residential uses, and (iii) prohibits the construction, maintenance or use of more than two dwellings on the subdivided property. The agreement shall require that if there is not compliance with the above conditions and restrictions, the Owner, at its sole cost, shall cause all utilities within the property that is subdivided to be placed underground.

5. Where the project is or includes, as a substantial portion of the work, the installation or replacement of utilities distribution facilities and there are unusual conflicts or other conditions or circumstances which preclude

reasonable measures to install utilities underground, the Chief of Building and Safety shall provide, as a condition of any relief from requirements of this Chapter, an in lieu payment or other commitment sufficient to insure placement of overhead conduit underground to an extent which is equivalent to the extent of the conduit for which relief is granted.

E. INAPPLICABILITY TO SUBDIVISION APPROVALS. This Section does not authorize the waiver of any subdivision map condition related to undergrounding of utilities except as authorized by Sections 22.38.050 D and 27.08.025 of the Code.

F. TERMINATION OF AUTHORITY. The authority to grant relief pursuant to this Section or Section 22.38.060 shall terminate should a court of competent jurisdiction determine that the City may not lawfully impose or collect the in-lieu fee specified in Subsection D.

Section Two. Section 28.87.038 of the Santa Barbara Municipal Code is amended to read as follows:

28.87.038 Reconstruction of Damaged Nonconforming Structures.

A. Nonresidential Structures. A nonconforming building or structure used for nonresidential purposes, which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy to the extent of not more than seventy-five percent (75%) of its market value

immediately prior to the damage, as determined by the Community Development Director or designee, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such partial destruction may be continued or resumed, provided that reconstruction, restoration or rebuilding shall commence within a period of one (1) year of the occurrence of the damage or destruction. The applicant shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director. In the event such damage or destruction exceeds seventy-five percent (75%) of the market value of such nonconforming building or structure immediately prior to the damage, as determined by the Community Development Director or designee, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations for new buildings in the zone in which it is located. The Community Development Director or designee may require the applicant to have the property appraised by a licensed real estate appraiser in order to determine the market value of such nonconforming building or structure immediately prior to the damage.

B. Residential Structures. Any nonconforming building or structure used for residential purposes, which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or

act of God or the public enemy may be restored or rebuilt and the occupancy and use may be continued or resumed provided the following conditions are met:

1. The ~~amount of inside space (square footage)~~ net square footage of the replacement building or structure shall not ~~be greater than the amount which existed in the damaged or destroyed buildings~~ exceed the net square footage of the building or structure that was legally permitted prior to the damage or destruction;

2. The number of dwelling units shall be not greater than the number existing prior to the damage or destruction;

3. In R-3, R-4, R-O, C-1, C-2, and C-M zones, the number of bedrooms per dwelling unit shall not be greater than the number existing prior to the damage or destruction;

4. The building setbacks shall not be less than those which existed prior to the damage or destruction;

5. The number of parking spaces shall be no less than the number of parking spaces in existence prior to the damage or destruction;

6. The building, plot and landscaping plans shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, or

the City Council on appeal, if such review would normally be required, except as allowed in this Section;

7. Any such reconstruction, restoration or rebuilding shall conform to all applicable adopted Uniform Codes in effect at the time of reconstruction, unless otherwise excused from compliance as a historic structure, pursuant to the Uniform Code for Building Conservation;

8. All permits required under the California Building Code as adopted and amended by the City shall be obtained. The Community Development Director or designee shall review and determine prior to issuance of said permits that the plans conform to the above;

9. Plans existing in the City's archives shall be used to determine the size, location, use, and configuration of nonconforming buildings and structures. Notwithstanding anything to the contrary above, if a property owner proposes to rebuild the building or structure in accordance with the City's archive plans, a building permit shall be the only required permit or approval. However, any exterior alterations shall be subject to design review, if such review would normally be required by the Santa Barbara Municipal Code. If plans do not exist in the City's archives, the City shall send a notice to all owners of property within 100 feet of the subject property, advising them of the details of the applicant's request to

rebuild, and requesting confirmation of the size, location, use, and configuration of the nonconforming building that is proposed to be rebuilt. The public comment period shall be not less than 10 calendar days as calculated from the date that the notice was mailed.

10. The building permit for the reconstruction, restoration or rebuilding ~~shall commence~~ must be issued within ~~a period of one (1) year, and completed within two (2) years. The applicant shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director~~ two (2) years of the occurrence of the damage or destruction.

Section Three. The provisions of this ordinance are intended to apply to the reconstruction, restoration, or rebuilding of any building or structure which was damaged or destroyed in the November 2008 Tea Fire or the May 2009 Jesusita Fire.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: September 15, 2009

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Medical Cannabis Dispensary Ordinance Revision

RECOMMENDATION:

That the Ordinance Committee review the existing Medical Cannabis Dispensary Ordinance, discuss options, and provide direction to staff on potential revisions.

EXECUTIVE SUMMARY:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance, SBMC Chapter 28.80, to the Ordinance Committee, with direction to review the ordinance, discuss options, and make recommendations to Council. Several subject areas were specifically mentioned by the Council, and others have been added by staff, based on experience processing recent applications. Each subject area is discussed briefly in this Ordinance Committee report.

BACKGROUND:

On July 28, 2009, the City Council referred the Medical Cannabis Dispensary Ordinance to the Ordinance Committee, with direction to review the following nine subject areas, discuss options, and make recommendations to Council on revisions to the ordinance.

1. Police Department statistics surrounding the existing dispensaries in order to tighten up the ordinance;
2. Cap on the number of dispensaries per area or citywide;
3. Security requirements;
4. Milpas Street recovery zone and how it interacts with the dispensaries;
5. Locational requirements of dispensaries in proximity of schools and educational enterprises;
6. Reducing the amortization period for nonconforming dispensaries;
7. Impacts on neighborhoods;
8. Re-establishing a moratorium or interim ordinance, and the applicability of new regulations to existing and pending dispensaries; and
9. Information about neighboring jurisdictions' medical cannabis regulations.

Additionally, based on recent experience processing Medical Cannabis Dispensary Permits (MCDPs) and recent public input, staff suggests that the Ordinance Committee also discuss the following subject areas:

10. Criteria for Issuance;
11. Permit discretion given to the Staff Hearing Officer;
12. Whether permit decisions should be appealable to the City Council;
13. Allowing Dispensaries in the C-O and/or C-1 Zones.
14. Full cost recovery for application review.

Known Medical Cannabis Dispensaries

The following is a summary of known medical cannabis dispensaries by category:

PERMITTED BY CITY AND OPERATING

331 N. Milpas St. (compliance with approved permit is under investigation)

PERMIT APPROVED APPLICATIONS

500 N. Milpas St.

PENDING APPLICATIONS

631 Olive St. Commission	Approved by Staff Hearing Officer, on appeal to Planning
741 Chapala St	Pending
2 W. Mission	Pending
234 E. Haley	Pending
302 E. Haley	Pending
826 De la Vina	Pending

NONCONFORMING

These dispensaries were found to be legal under the City's Interim Ordinance, and are allowed to remain in their current locations for three years from the effective date of the current ordinance (until April 25, 2011). If they meet the locational requirements of the current ordinance, they can apply for a Medical Cannabis Dispensary Permit, otherwise they must close or obtain a City Zoning Variance. See Subject #6 below. A nonconforming status under investigation means that at the time of application, they were found to be nonconforming, but it is uncertain whether those conditions still exist.

3128 State	Does not meet locational requirements, too close to MacKenzie Park
------------	--

3516 State	Meets locational requirements (continuing legal Nonconforming status under investigation).
27 Parker Way	Does not meet locational requirements, but may qualify for a variance. Too close to Moreton Bay Fig Tree Park, which is across US101. (Nonconforming status under investigation)
100 E. Haley	Does not meet locational requirements, too close to Vera Cruz Park. (continuing legal Nonconforming status under investigation).

ILLEGALLY OPERATING – The following are under investigation and enforcement:

2915 De la Vina	(Currently the subject of a City Zoning Enforcement Action)
336 Anacapa	(Currently the subject of a City Zoning Enforcement Action)

There are other dispensaries that are currently under investigation by the Police Department.

DISCUSSION:

The current Medical Marijuana Dispensary ordinance includes locational requirements for permitted dispensaries. They are allowed in the C-2 and C-M zones, as well as on Upper State Street, Milpas Street, and the Mesa, but not within 500 feet of schools, parks or another dispensary. The ordinance's operational requirements include: a security plan, cameras, floor plan, consumption prohibition within 200 feet, etc. The existing ordinance does not place a cap on the number of dispensaries within the City or a limit on the hours of operation.

1. Police Department Statistics

The Police Department staff will be present at the Ordinance Committee meeting to present crime statistics concerning existing dispensaries.

2. Cap on the Number of Dispensaries per Area

The Council discussed both a citywide cap and a cap per geographic area. Currently, the areas (Downtown, Upper State, Milpas, Mesa) are not delineated by boundaries within the ordinance. If the Ordinance Committee would like geographic area caps, staff will return with boundaries, to facilitate the discussion. An alternative to a cap would be to increase the minimum distance between dispensaries from 500 feet (1 block).

3. Security Requirements

The existing ordinance, SBMC Chapter 28.80, has quite a number of security requirements, which seem adequate to staff; however, it may be appropriate to consider adding two additional requirements: 1) a limitation on the hours of operation, such as from 10 am to 7pm; and 2) a requirement that the security personnel be licensed by the State (Department of Consumer Affairs, Bureau of Security and Investigative Services). Both of

these requirements have been added as conditions of approval of recently approved dispensaries.

The current ordinance requires a separate, secure area designated for dispensing cannabis. A pending dispensary at 741 Chapala Street originally proposed a very open floor plan, with cannabis dispensing taking place at a counter in the general retail area, rather than a separate dispensing area. The operator of this proposed dispensary operates several dispensaries of a similar configuration in the Los Angeles area, and according to them, has had no problems with security. Staff would like the Ordinance Committee's confirmation that a separate, secure dispensing area is appropriate.

4. Milpas Recovery Zone

The Milpas Recovery Zone is a proposal by the Milpas Action Task Force to create a space where those seeking recovery from substance abuse, mental illness and physical ailments can be free from negative illegal influences. The area suggested by the Milpas Action Task Force is bounded by Milpas Street, the beach, Garden Street, and Gutierrez Street. Although the City has agreed on the implementation of a Recovery Zone concept, definitive boundaries have not yet been determined. Medical Cannabis Dispensaries could be excluded from the Recovery Zone.

5. Siting Requirements of Dispensary in Proximity to Schools and Parks

The current ordinance prohibits dispensaries within 500 feet of parks and schools (pre-schools, day care centers, colleges, universities, trade schools, and vocational schools are not considered "schools" under the existing ordinance). This 500-foot radius could be increased, which would reduce the number of viable locations, perhaps severely, if the radius is much larger. Pre-schools and day care centers were specifically excluded from this radius requirement since most attendees are in parental control during pick-up and drop-off. At a Downtown Organization meeting, a representative of the SB School Board requested a limitation on dispensaries on or near safe routes to schools or around bus stops where school age children congregate. One concern with more siting restrictions around private schools and day care centers is that such operations come and go, so a dispensary may start up, and later, a child care center is proposed. Does the dispensary become nonconforming?

Additionally, the current ordinance does not contain a prohibition of dispensaries within a certain distance of residential zones. Such a prohibition was discussed, but not recommended. In recent hearings, concern was raised by the public about the proximity of dispensaries to residential zones. Depending on the distance, this requirement could eliminate large portions of Milpas Street and Outer State Street from the areas where dispensaries are allowed.

6. Reducing the Amortization Period for Nonconforming Dispensaries

SBMC Chapter 28.80 allows dispensaries that were in compliance with the Interim Ordinance to continue operation for three years from the effective date of the current ordinance (April 25, 2008), under certain conditions. Three years was considered reasonable by the Council in 2008, as it gave operators time to amortize their tenant improvement expenses. Additionally, for those dispensaries that could be legalized, the three years gave adequate time to do so. The nonconforming dispensaries must either get a Medical Cannabis Dispensary Permit or relocate before April 25, 2011 (about 19 months). The Ordinance Committee could recommend a shorter amortization period.

7. Impacts on Neighborhoods

Staff has heard about the following types of neighborhood impacts from the public in meetings and correspondence: loitering, such that passers-by or nearby business owners or residents are uncomfortable or fearful; smoking near dispensaries, either in public or in cars; marijuana odors (both from smoking and from the raw material); dispensary patients selling marijuana to non-patients (including children) outside the dispensary; robberies and violence. The Police Department staff will discuss this issue at the Ordinance Committee hearing.

8. Re-establishing an Interim Ordinance, and the applicability of new regulations to existing and pending dispensaries

After the issue of Medical Cannabis Dispensaries first arose in August 2007, the City passed an Interim Ordinance which prohibited the opening of new dispensaries for one year, while the permanent ordinance was being drafted. We have a request to do this again, and depending on the extent of changes that the Council may be considering, it may be appropriate to impose a new moratorium/interim ordinance.

The subject of applicability of new regulations to existing and pending dispensaries must be addressed in the ordinance revision. Normally, new regulations do not apply to existing, legal land uses, at least not without an appropriate amortization period. For example, if a land use zone changes from industrial to residential, the industrial use is allowed to remain as long as certain criteria are met for not expanding the non-conforming use. Another methodology is to allow an amortization period, similar to the current Medical Cannabis Dispensary Ordinance, which allows pre-existing, nonconforming dispensaries three years to seek approval of a MCDP under the current code, relocate, or close operations. For pending dispensaries, any number of points in the process (building occupancy, building permit issuance, project approval, application completeness, etc.), could be the point at which the revised regulations would apply.

9. Information about Neighboring Jurisdictions' Medical Cannabis Regulations

Staff has researched neighboring jurisdictions on the South Coast, and found that virtually all jurisdictions (Lompoc, Santa Maria, Buellton, Solvang, Goleta, Carpinteria, Ventura, Oxnard, Camarillo and Guadalupe) have either an outright ban on dispensaries or a temporary moratorium on new dispensaries. Both Goleta's and Ventura's moratoriums are to consider allowing dispensaries pursuant to an ordinance in the future. It appears that the city and County of Santa Barbara are the only local jurisdictions that currently allow medical cannabis dispensaries.

10. Criteria for Issuance

SBMC Chapter 28.80 establishes 13 criteria for issuance that must be considered by the decision making body in determining whether to grant or deny a dispensary permit. After processing several dispensary permit applications, Staff believes that it is appropriate to revise or eliminate some of these criteria.

- A. Criterion #2 requires that the location of the dispensary is not identified by the City Chief of Police as an area of high crime activity. The Police Department has not currently identified any areas of high crime activity in the City, so the value of this criterion is questionable. Staff recommends changing the language so that it can better reflect when the Police Department has concerns over criminal activity at the potential location of a dispensary.
- B. Criterion #4 refers to "reporting requirements." This is a remnant from when the Ordinance contained language requiring periodic reporting or permit renewal. Staff proposes to delete this phrase.

11. Amount of discretion given to the Staff Hearing Officer

The Medical Cannabis Dispensary Permit is set up as a Performance Standard Permit (PSP), which is a discretionary action partway between a ministerial action (no discretion) and a Conditional Use Permit (total discretion). A PSP allows the decision making body only a limited amount of discretion, and if the Criteria for Issuance are met, then the permit is approved. This was done because it seemed that the location and operational requirements would prevent the type of neighborhood concerns that caused the drafting of the current ordinance. It was to be the Staff Hearing Officer's responsibility to review the project to ensure that the requirements were met, and to give the public a forum to speak to the project.

Of the current 13 criteria for issuance, there are two criteria for issuance that give the decision making bodies some discretion: #7 and #10. Criterion #7 states, "...no significant nuisance issues or problems are anticipated..." Criterion #10 states, "That the

dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area...”

A question that has arisen from the Staff Hearing Officer is: how much discretion does the Staff Hearing Officer have to deny a dispensary permit, if all locational and operational requirements are met. Staff would like to discuss this issue with the Ordinance Committee for possible amendments to these criteria.

12. Lack of Appeal to City Council

The current ordinance allows the Staff Hearing Officer's decision to be appealed to the Planning Commission, but the Planning Commission is the final review body. The Planning Commission's decision cannot be appealed to City Council. Planning Commissioners, appellants and some interested parties have questioned this lack of appeal rights, and Staff would appreciate a discussion of this subject by the Ordinance Committee.

13. Allowing Dispensaries in the C-O and/or C-1 Zones

During the City Council meeting on July 28, 2009, several public speakers commented that Medical Cannabis Dispensaries should be located near hospitals or in doctors' offices, and that the current ordinance targets certain areas of the City for dispensaries. Hospitals and doctors' offices are located, for the most part, in the C-O Zone, which is centered around Cottage Hospital and the old St. Francis Hospital on East Micheltorena Street. Staff does not believe that dispensaries should be located in the East Micheltorena C-O Zone, as it's very small, is surrounded by residential uses, and the hospital is no longer in operation. However, dispensaries could be found to be appropriate in the C-O Zone surrounding Cottage Hospital. Additionally, perhaps dispensaries should be allowed in the C-1 zone (Coast Village Road), in order to have a more even distribution of dispensaries in the city.

14. Full Cost Recovery for Application Processing

The City Council directed the Finance Committee to review a cost recovery fee, and staff would like the Ordinance Committee's input on this issue as well. Although several Councilmembers have expressed interest in fees that would recover the cost of all aspects of City involvement with dispensaries, including policing, staff does not believe that all such fees are lawful. However, it would be appropriate to charge full cost for application processing. Currently, Planning Staff charges its hourly rate for application processing. The current rate is \$200/hr. Planning Staff collects \$2000 as a deposit (10 hrs) and charges additionally if the processing takes more than 10 hours of the case planner's time. There are several issues we would like the Ordinance Committee to discuss:

- A. The other major participants in the review of Medical Cannabis Dispensaries are the Police Department and the Building & Safety Division. We have not been charging the

applicants for the time spent by these participants, but will do so from this point forward. Another issue here is that we will be re-examining whether \$200/hr represents the full hourly rate (including overhead), of the Community Development Department and Police Departments.

- B. The appeal fees in the City are very low and only cover a small percentage of the costs involved with appeals. Currently, appellants (usually neighbors) pay the appeal fee of \$300.00, but we do not charge applicants the hourly fee. Should the applicants be charged hourly for the time spent on an appeal?

ATTACHMENTS:

1. Current Medical Marijuana Dispensary Ordinance
2. Maps of Allowed Locations for Medical Marijuana Dispensaries

PREPARED BY: Danny Kato, Senior Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. 5449

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE
BY ADDING CHAPTER 28.80 ESTABLISHING
REGULATIONS AND PROCEDURES FOR MEDICAL
CANNABIS DISPENSARIES

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE. The City Council adopts the ordinance codified in this chapter based upon the following findings and determinations:

- A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 et seq.) entitled "The Compassionate Use Act of 1996" (Act).
- B. The intent of Proposition 215 was to enable persons residing in the State of California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- C. The State enacted SB 420 in 2004, being Sections 11362.7 et seq., of the Health and Safety Code, being identified as the Medical Cannabis Program (Program), to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the Program.
- D. To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code consistent with the Program, regarding the location and operation of medical cannabis dispensaries.
- E. It is the City Council's intention that nothing in this chapter shall be construed to do any of the following: 1. to allow persons to engage in conduct that endangers others or causes a public nuisance; 2. to allow the use of cannabis for non-medical purposes; or 3. to allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal and not permitted by state law.
- F. Pursuant to California Health and Safety Code Section 11362.71 et seq., the State Department of Health, acting by and through the state's counties, is to be responsible for establishing and maintaining a voluntary medical cannabis identification card program for qualified patients and primary caregivers.

G. California Health and Safety Code Section 11362.71(b) requires every county health department, or its designee, to implement a procedure to accept and process applications from those seeking to join the identification program in the matters set forth in Section 11362.71 et seq.

H. This chapter is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that the Council finds and determines that there is nothing in this chapter or its implementation that could foreseeably have any significant effect on the environment.

I. This chapter is compatible with the general objectives of the general plan and any applicable specific plan, in that this use would be conditionally permitted in commercial and industrial districts, being similar to other permitted and conditionally permitted uses, such as pharmacies and medical clinics, and in that the use will be subject to strict review and conditions.

J. This chapter is compatible with the public convenience, general welfare and good land use practice, in that medical marijuana dispensaries address a medical need in the community, and in that the use will be subject to rigorous review and conditions.

K. This chapter will not adversely affect the orderly development of property, in that dispensaries would be subject to a careful review process, and strict operating requirements would be imposed.

SECTION TWO. Title 28 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 28.80 entitled "Medical Cannabis Dispensaries," which reads as follows:

28.80.010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate the locations of medical cannabis dispensaries in order to promote the health, safety, and general welfare of residents and businesses within the City. It is neither the intent nor the effect of this chapter to condone or legitimize the use or possession of cannabis except as allowed by California law.

28.80.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

A. Applicant. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a dispensary.

B. Drug Paraphernalia. As defined in California Health and Safety Code Section 11362.5, and as may be amended from time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.5 et seq., and as may be amended from time to time.

D. Medical Cannabis Dispensing Collective or Dispensary. Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary care givers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful retail distribution of medical cannabis. "Dispensary" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by a physician, and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with California Health and Safety Code Section 11362.5 et seq. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations, so long as the location of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code or by applicable state laws:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code;

2. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code;

3. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code;

4. a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code;

5. a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code;

provided that any such clinic, health care facility, hospice or residential care facility complies with applicable laws, including, but not limited to, Health and Safety Code Section 11362.5.

E. Permittee. The person to whom either a dispensary permit is issued by the City and who is identified in California Health and Safety Code Section 11362.7, subdivision (c) or (d), or (e) or (f).

F. Person. An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company, or combination of the above in whatever form or character.

G. Person with an Identification Card. As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.

H. Physician. A licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

I. Primary Caregiver. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended.

J. Qualified Patient. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.

K. School. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

28.80.030 Dispensary Permit Required to Operate.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a dispensary, unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit issued by the City Staff Hearing Officer pursuant to this Chapter, or by the Planning Commission on an appeal from a decision by the Staff Hearing Officer.

28.80.040 Business License Tax Liability.

An operator of a dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04 as a prerequisite to obtaining a permit pursuant to the terms of this Chapter, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.

28.80.050 Imposition of Dispensary Permit Fees.

Every application for a dispensary permit or renewal shall be accompanied by an application fee, in an amount established by resolution of the City Council from time to time. This application or renewal fee shall not include the standard City fees for

fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

28.80.060 Limitations on the Permitted Location of a Dispensary.

A. Permissible Zoning for Dispensaries. A dispensary may only be located within the C-2 or C-M zoned areas of the City as so designated in the General Plan, Title 28 of the Municipal Code, and City Zoning map, provided, however, that dispensaries may also be located on parcels situated as follows:

1. any parcel fronting on State Street between Calle Laureles and the westerly boundary of the City at the intersection of State Street and Calle Real;
2. any parcel fronting on Milpas between Canon Perdido Street and Carpinteria Street;
3. any C-P zoned parcel fronting on Cliff Drive within 1000 feet of the intersection of Cliff Drive and Meigs Road;

B. Storefront Locations. A dispensary shall only be located in a visible store-front type location which provides good public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street.

C. Areas and Zones Where Dispensaries Not Permitted. Notwithstanding subparagraph (A) above, a dispensary shall not be allowed or permitted in the following locations or zones:

1. On a parcel located within 500 feet of a school or a park; or
2. On a parcel located within 500 feet of a permitted dispensary; or
3. On a parcel fronting on State Street between Cabrillo Boulevard and Arrellaga Street; or
4. On a parcel zoned R-O or zoned for residential use.

D. Locational Measurements. The distance between a dispensary and the above-listed uses shall be made in a straight line from any parcel line of the real property on which the dispensary is located to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

28.80.070 Operating Requirements for Dispensaries.

Dispensary operations shall be permitted and maintained only in compliance with the following day-to-day operational standards:

A. Criminal History. A dispensary permit applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority over a dispensary on behalf of the applicant shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance.

B. Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

C. Dispensary Size and Access. The following dispensary and access restrictions shall apply to all dispensaries permitted by the Chapter:

1. A dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer amending the existing dispensary permit pursuant to the requirements of this Chapter.

2. The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.

3. Dispensary personnel shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) for the purposes of controlling loitering.

4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

5. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

7. Restrooms shall remain locked and under the control of Dispensary management at all times.

D. Dispensing Operations. The following restrictions shall apply to all dispensing operations by a dispensary:

1. A dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

2. Prior to dispensing medical cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

E. Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted dispensaries:

1. Cannabis shall not be consumed by patients on the premises of the dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

2. Dispensary operations shall not result in illegal re-distribution of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.

F. Retail Sales of Other Items by a Dispensary. The retail sales of dispensary-related or marijuana use items may be allowed under the following circumstances:

1. With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

2. No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.

3. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

G. Operating Plans. In connection with a permit application under this Chapter, the applicant shall provide, as part of the permit application, a detailed Operations Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with the Operations Plan, as such plan is approved by the Staff Hearing Officer.

1. **Floor Plan.** A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. **Storage.** A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

3. **Security Plans.** A dispensary shall provide adequate security on the premises, in accordance with a security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer, including provisions for adequate lighting and alarms, in order to ensure the safety of persons and to protect the premises from theft.

4. **Security Cameras.** Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage and to report loitering, crime, illegal or nuisance activities. Security video shall be maintained for a period of not less than 72 hours.

5. **Alarm System.** Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.

6. **Emergency Contact.** A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.

H. Dispensary Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

2. Signs on the premises shall not obstruct the entrance or windows.

3. Address identification shall comply with Fire Department illuminated address sign requirements.

4. Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

I. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.

J. Patient Records. A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.

K. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

L. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

3. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

M. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

N. Compliance with Other Requirements. The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

O. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

P. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

Q. Parking Requirements. Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(l).

28.80.080 Dispensary Permit Application – Preparation and Filing.

A. Application Filing. A complete Performance Standard Permit use permit application submittal packet shall be submitted, including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Community Development Department, using forms provided by the City, and accompanied by the applicable filing fee. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or by a person with a lease signed by the owner or duly authorized agent of the owner allowing them the right to occupy the property for the intended use.

C. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30 days, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The

time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

E. Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

28.80.090 Criteria for Review of Dispensary Applications by Staff Hearing Officer.

A. Decision on Application. Upon an application for a Dispensary permit being deemed complete, the Staff Hearing Officer, or the Planning Commission on appeal of a decision of the Staff Hearing Officer, shall either issue a Dispensary permit, issue a Dispensary permit with conditions in accordance with this chapter, or deny a Dispensary permit.

B. Criteria for Issuance. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.

2. That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).

3. For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area, or to the applicant's existing dispensary location.

4. That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.

5. That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.

6. That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.

7. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or

problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

8. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

9. That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

28.80.100 Appeal from Staff Hearing Officer Determination.

A. Appeal to the Planning Commission. An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny a dispensary permit may appeal such decision to the City Planning Commission by filing an appeal pursuant to the requirements of subparagraph (B) of Section 28.05.020 of the Municipal Code.

B. Notice of Planning Commission Appeal Hearing. Upon the filing of an appeal pursuant to subparagraph (A) above, the Community Development Director shall provide public notice in accordance with the notice provisions of SBMC Section 28.87.380.

C. Planning Commission Appeal. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.110 Suspension and Revocation by Planning Commission.

A. Authority to Suspend or Revoke a Dispensary Permit. Consistent with Section 28.87.360, any dispensary permit issued under the terms of this chapter may be suspended or revoked by the Planning Commission when it shall appear to the Commission that the permittee has violated any of the requirements of this chapter, or the dispensary is operated in a manner that violates the provisions of this chapter, including the operational requirements of this Chapter, or in a manner which conflicts with state law.

B. Suspension or Revocation – Written Notice. Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this chapter until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least ten (10) days prior to the date set for such review hearing, and the reasons for the proposed suspension or revocation have been provided to the permittee in writing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a dispensary permit.

C. Appeal of Planning Commission Decision. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission to suspend or revoke a permit issued pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.120 Transfer of Dispensary Permits.

A. Permit – Site Specific. A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit. All dispensary permits issued by the City pursuant to this chapter shall be non-transferable.

B. Transfer of a Permitted Dispensary. A permittee shall not transfer ownership or control of a dispensary or attempt to transfer a dispensary permit to another person, unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this chapter, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with all provisions of this chapter accompanied by the required application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development Department has notified the permittee in writing that the permit has been or may be suspended or revoked, and a notice of such suspension or revocation has been provided.

D. Transfer Without Permission. Any attempt to transfer a permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

28.80.130 Medical Marijuana Vending Machines.

No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted dispensary.

SECTION THREE. Those Dispensaries which were authorized pursuant to the Santa Barbara Municipal Code Chapter 28.80 prior to the date of the adoption of the ordinance enacting this Chapter shall be deemed pre-existing legal uses of real property upon which they are situated for a period of three (3) years from the date of the adoption of this Ordinance, provided the following operational conditions are complied with:

1. the dispensary shall not be relocated nor shall it be discontinued for a period of time in excess of thirty (30) days without obtaining a dispensary permit pursuant to this Chapter;
2. the dispensary shall comply with all portions of Chapter 28.80 (as enacted by this Ordinance) except for the locational provisions of Section 28.80.060; and
3. the dispensary shall be subject to the requirements for nonconforming uses of SBMC Section 28.87.030 until such time that they have been permitted under this Ordinance.

Prior to the expiration of the three (3) year nonconforming period, all medical marijuana dispensaries operating as allowed dispensaries which pre-date the adoption

of this Ordinance shall either obtain a dispensary permit (as required by and in full accord with this Ordinance) or shall discontinue such use not later than the end of the three (3) year amortization period. No such pre-existing legal dispensary shall be assigned or otherwise transferred to a new owner or owners, whether voluntarily or by operation of law, without having obtained a permit pursuant to this ordinance.

SECTION FOUR. The requirements of this Chapter shall apply to all dispensaries which are not permitted or authorized by the Municipal Code prior to the date of the adoption of the ordinance enacting this chapter.

ORDINANCE NO. 5449

[illegible]

I HEREBY CERTIFY that the foregoing ordinance was introduced on March 18, 2008, and was adopted by the Council of the City of Santa Barbara at a meeting held on March 25, 2008, by the following roll call vote:

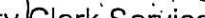
AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton,
Grant House, Helene Schneider

NOES: Mayor Marty Blum

ABSENT: Councilmember Das Williams

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal
of the City of Santa Barbara on March 26, 2008.


Cynthia M. Rodriguez, CMQ
City Clerk Services Manager

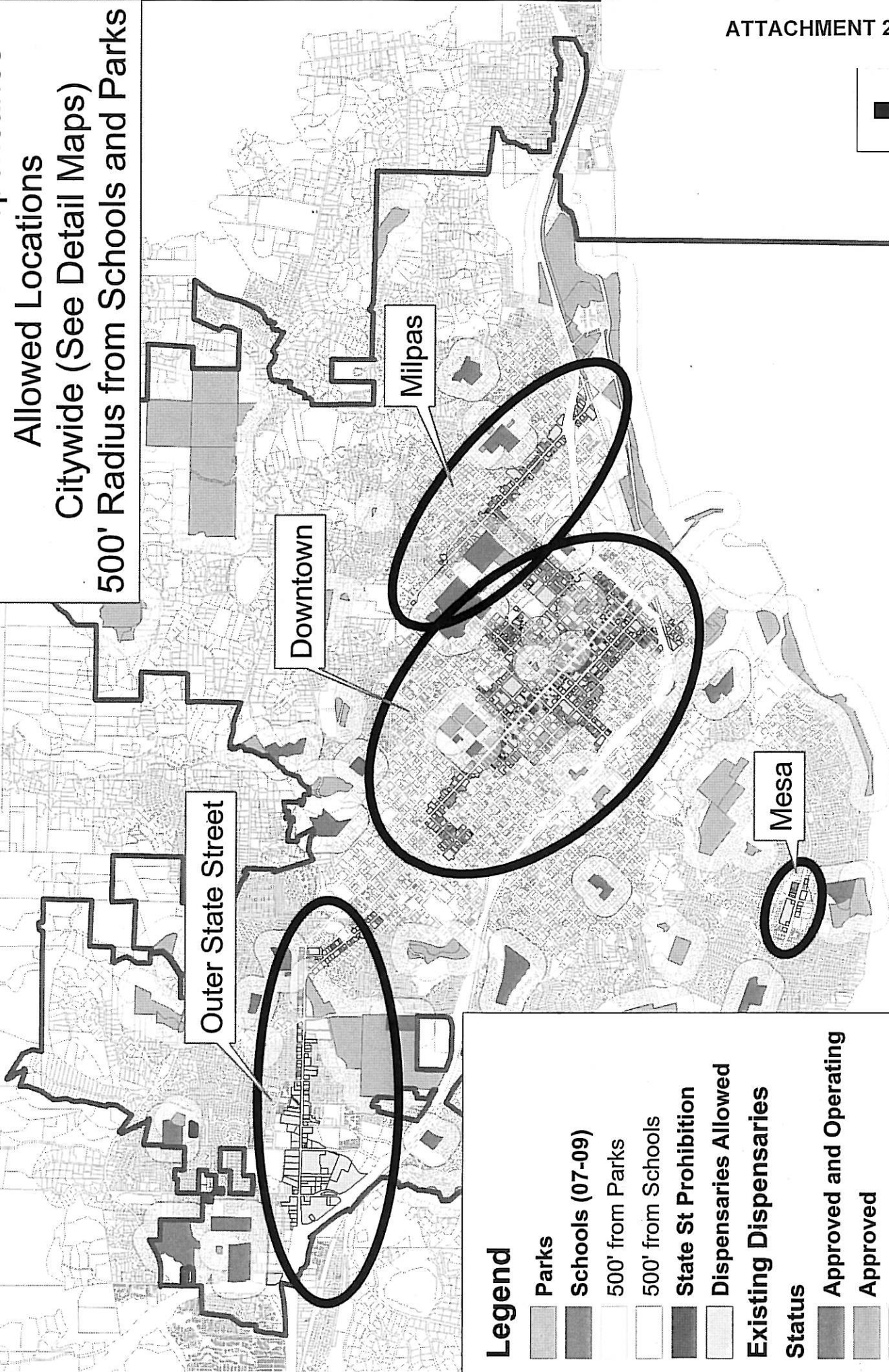
I HEREBY APPROVE the foregoing ordinance on March 26, 2008.

Marty Blum
Marty Blum
Mayor

Medical Cannabis Dispensaries Allowed Locations Citywide (See Detail Maps) 500' Radius from Schools and Parks



For colored maps, go to www.SantaBarbaraCA.gov/resident/Major_Planning_Efforts/Medical_Marijuana

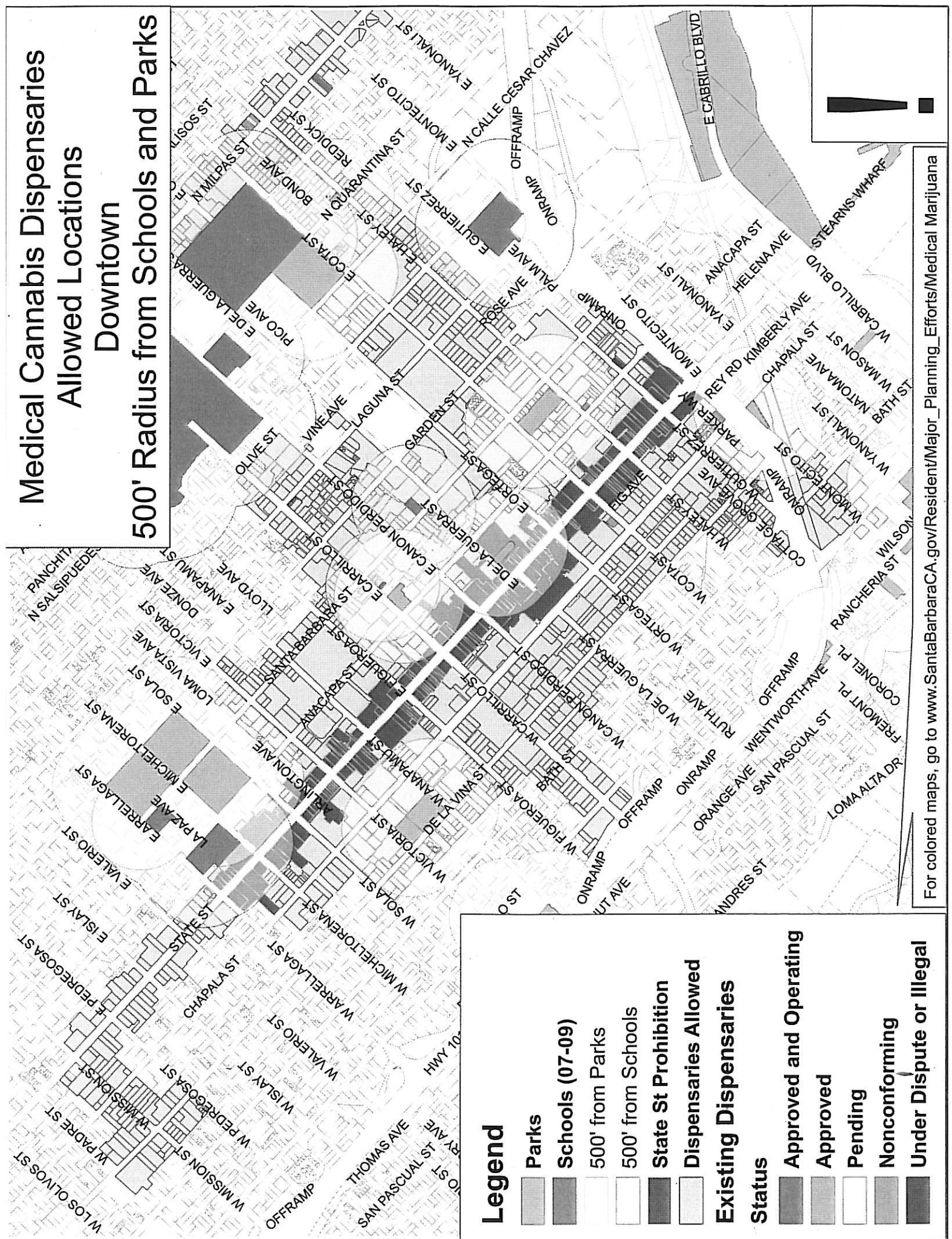


Legend

- Parks
 - Schools (07-09)
 - 500' from Parks
 - 500' from Schools
 - State St Prohibition
 - Dispensaries Allowed
- ### Existing Dispensaries
- #### Status
- Approved and Operating
 - Approved
 - Pending
 - Nonconforming
 - Under Dispute or Illegal

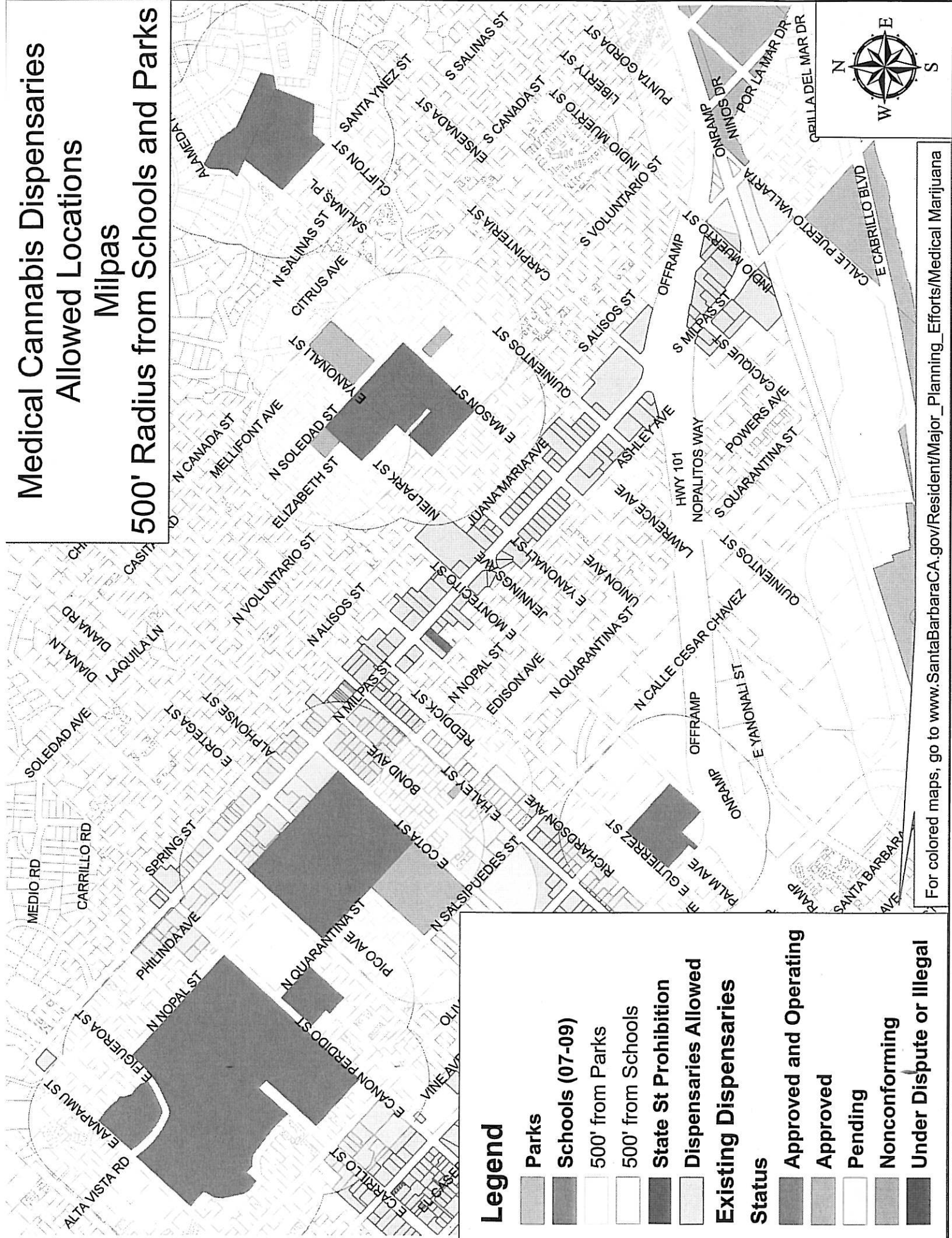
Medical Cannabis Dispensaries Allowed Locations Downtown

500' Radius from Schools and Parks

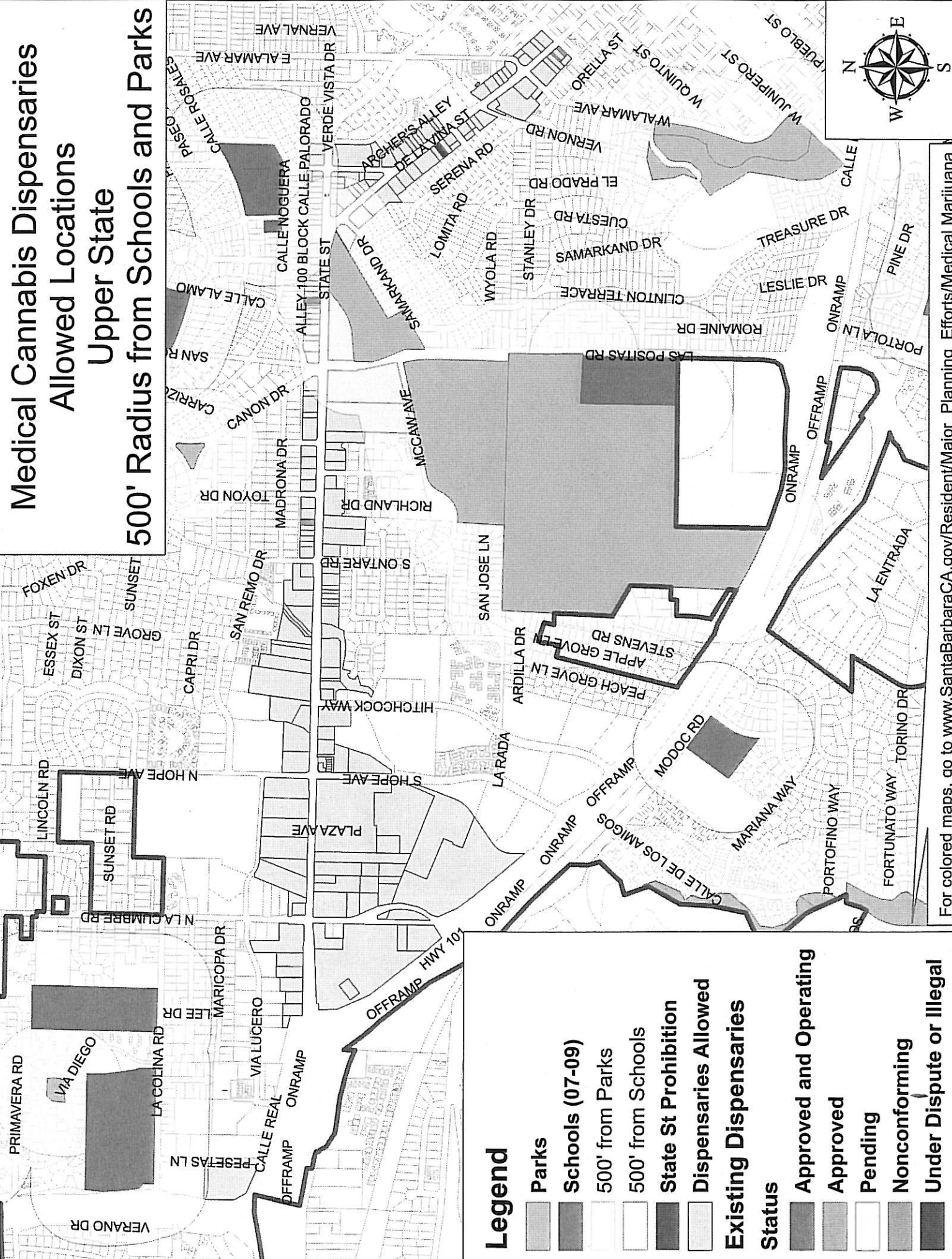


For colored maps, go to [www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical Marijuana](http://www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana)

Medical Cannabis Dispensaries Allowed Locations Milpas 500' Radius from Schools and Parks



Medical Cannabis Dispensaries Allowed Locations Upper State



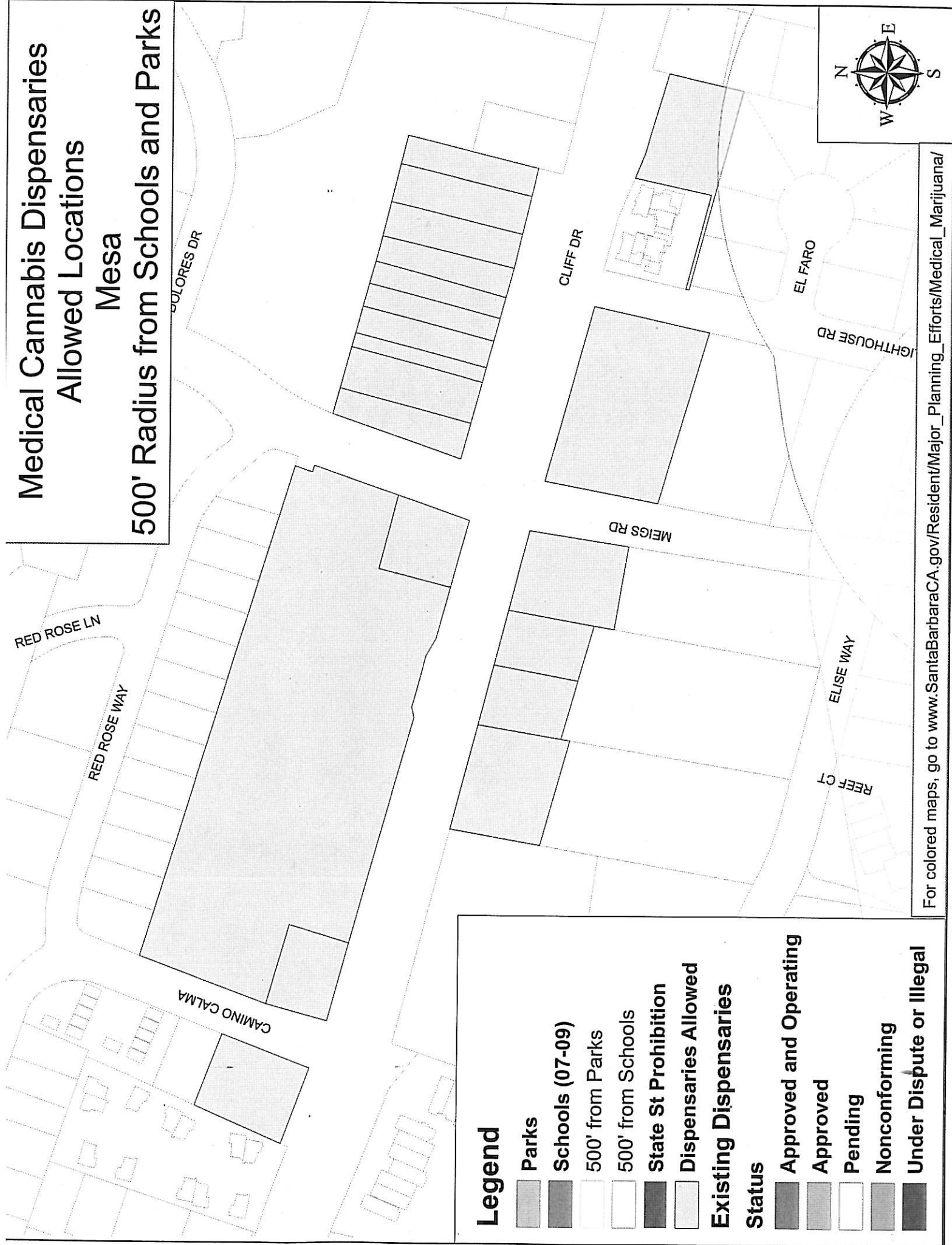
For colored maps, go to www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana

Medical Cannabis Dispensaries

Allowed Locations

Mesa

500' Radius from Schools and Parks



For colored maps, go to www.SantaBarbaraCA.gov/Resident/Major_Planning_Efforts/Medical_Marijuana/

RECEIVED

To: Santa Barbara City Council
From: David Bearman, M.D.
Re: Marijuana Dispensary Ordinance

SEP 08 2009

CITY CLERK'S OFFICE
SANTA BARBARA, CA

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

• **Recommendations**

Cannabis should be dispensed from pharmacies under local and state regulations. My study of history reveals little evidence of problems with distribution of cannabis via pharmacies. From 1854 to 1941 cannabis was in the USP (United States Pharmacopeia), produced by well-known pharmaceutical companies and dispensed through pharmacies in both cannabis containing OTC medication and prescription medication. This is why in 1937 the AMA vigorously testified against the Marijuana Tax Act and why in 1944 the New York Academy of Medicine (as part of the LaGuardia Crime Commission Report) endorsed use of recreational marijuana should be legal.

At any rate, until the federal government takes its head out of the sand, recognizes science, and places cannabis in the appropriate schedule or even better, recognizes that the Controlled Substances Act of 1970 violates the Constitution, we are not going to have pharmacies dispensing cannabis. The next best thing is to apply similar regulations and zoning ordinances to cannabis dispensaries as those which presently govern pharmacies. In addition a couple of my suggestions are that you consider requiring nurses or pharmacists to dispense cannabis, not allowing anyone under the age of 23 in a cannabis dispensary, and requiring that you must be 25 or over to be allowed to work there. It also strikes me that some small but meaningful special tax would be useful to the City of Santa Barbara.

Background

What follows is some background information on this topic which may prove helpful. There is almost unanimous agreement that California's medical marijuana dispensary system should be regulated. Furthermore if the regulations are reasonable and responsible people in the dispensary field will support closing down any major offenders.

The focus needs to be on the patient. We need to recognize that it is a matter of access. The 1996 Proposition 215 that began California's approval of Medical Marijuana laid out that this was done for the benefit of people who are ill. Prop 215 said in Section (A) that the initiative was *"To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief."* This wide use (e.g., "for any other illness for which marijuana provides relief") is consistent with FDA rules for prescription pharmaceuticals. Under FDA guidelines, any pharmaceutical which has been approved for use for one disease can be prescribed ("off-label") by doctors for "any other illness for which" the doctor thinks it "provides relief." In that key regard, California does treat medical marijuana "like every other drug."

That said, most of the problems in regulating dispensaries have been caused by the federal government and the Supreme Court by ignoring the 9th and 10th Amendments to the Constitution, as well as the 1925 Supreme Court decision in the Lindner case which affirmed that it is the State's sole responsibility to regulate the practice of medicine.

There are two basic reasons why marijuana is not available "through a legitimate pharmacy" and is not "regulated like every other drug." It is not the supporters of medical marijuana who are responsible for keeping cannabis out of the FDA "system". One is the reluctance of the FDA to follow the law, be it the 1938 Food Cosmetic and Drug Act or the Controlled Substances Act of 1970. For decades supporters of medicinal cannabis have attempted to work through the government bureaucracy and been thwarted. For instance in 1972 NORML sued unsuccessfully to get it rescheduled, so it might be prescribed. The government stalled until 1986. In 1988 the FDA's Chief Administrative Law Judge, Francis Young, issued his recommendation based on 15 days of hearings, that marijuana should be rescheduled. This opinion was rejected by George H.W. Bush's head of the FDA, John Lawn.

Secondly, it can cost huge sums to try to get any "drug" through the FDA process which was not set up to analyze a complex plant. In 1993, NORML was told by the Clinton Administration that it would cost \$1.5 million to get the FDA to review marijuana and move it from Schedule I to Schedule II. NORML did not have the \$1.5 million, and the Clinton Administration did not have the courage to do even what it had promised patients that it would do so. They had also pledged to reopen the so-called "Compassionate IND" program, but in the end these promises came to nothing.

In fact cannabis should be lower than Schedule II. In 1998, after a number of states passed medical marijuana laws, Marinol, synthetic THC, was quickly moved from Schedule II to Schedule III with the full support of the DEA, while marijuana remains absurdly in Schedule I.) Of historical note is a 1971 letter from Dr. Rodger Egeberg, then Under Secretary for Health for HEW and former dean of USC Medical School who pointed out that cannabis was only temporarily in Schedule I until the Report of the Nixon Marijuana Commission came out. The Commission recommended legalization of marijuana for recreational use, yet marijuana still languishes as a Schedule I drug.

• Discussion

Feds Have Created the Problem

One justification for the dispensary system is that the federal government has made it difficult for pharmacies to dispense cannabis. Another is that dispensaries keep medical cannabis users from having to go to "street dealers" in order to get their medicine. So while we would be better served by the system which existed from 1854-1941, dispensaries are an improvement over the previous distribution system.

Dispensary System Decreases Substance Abuse

In the broader context of drug policy, the California medical marijuana dispensary system has the same beneficial effect as the Dutch cannabis "coffee shop" system. The Dutch call it the "separation of the markets for soft and hard drugs." The Dutch have a much lower use of hard drugs, especially heroin, among young people than does the U.S. This is very likely a consequence of this "separation of the markets."

Dispensaries Have Some Controls

Dispensaries are not selling to just anyone. Dispensaries do provide some limited controls as well as safe access. They require a special form of identification that establishes the fact that a doctor has approved of the patient's use of cannabis. (That is all that is required by state law, and – critically – all that is allowed by Federal law.)

This zoning issue would disappear if the federal government respected the 9th and 10th Amendments to the Constitution. Then cannabis would be available in a pharmacy by prescription. Since the federal government only grudgingly changing on this matter, the ordinance should look to zoning and licensing requirements of commercial pharmacies.

No control system is perfect. Any "control" system devised by humans will be either "too tight" or "too loose." If it is too tight, then some sick and probably a few dying people will not be able to get their medical marijuana. Second, healthy young people can always find "weed" on the "streets." I am trying to use the AACM to marginalize those physicians who are practicing minimalist medicine.

We need to figure out if there is a way to prevent filling the approval several times. We need to recognize that while this will be very useful it won't be perfect. Even with the laws we have regulating pharmacies the "prescription" drug control system does not keep prescription drugs from all teens or prescription drugs out of the illicit market. The dispensary system also has that deficiency. One of the loopholes in the current system is that people can go to several dispensaries. This needs to be addressed, but we must also recognize that no regulatory system in a free society is perfect.

Diversion of Prescription Drugs

On June 14, 2008 the New York Times reported that the "Florida Medical Examiners Commission found that the rate of deaths caused by prescription drugs was three times the rate of deaths caused by all illicit drugs combined."

Whereas cannabis does not cause death and has relatively benign consequences, there is a big problem with diversion of prescription drugs. Nevertheless we continue to allow the pharmaceutical industry to stay in business.

"The Florida report analyzed 168,000 deaths statewide. Cocaine, heroin and all methamphetamines caused 989 deaths, it found, while legal opioids – strong painkillers in brand-name drugs like Vicodin and OxyContin – caused 2,328.

Drugs with benzodiazepine, mainly depressants (sic) like Valium and Xanax, led to 743 deaths. Alcohol was the most commonly occurring drug, appearing in the bodies of 4,179 of the dead and judged the cause of death of 466 – fewer than cocaine (843) but more than methamphetamine (25) and marijuana (0)." (emphasis added) See Guess Who Said, "The decrease in the abuse of cannabis among youth in the United States may be offset by an increase in the abuse of prescription drugs." Iron Law of Prohibition" & Czar's Strategy 3."

Conclusion:

I am confident that you will craft a good functional ordinance. Your staff should be able to incorporate the best features of the many ordinances that have already been instituted. I think that if you keep in mind that these dispensaries serve some very ill people and that the ordinance won't be perfect, you won't drive yourself to distraction trying to escape the legal straightjacket created by the federal government. You might read Sandra Day O'Connor's dissent in *Gonzales v. Raich* for a good assessment of state's rights in this matter.

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: September 15, 2009

TIME: 1:00 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair

Helene Schneider

Iya Falcone

James L. Armstrong
City Administrator

Robert Samario
Interim Finance Director

ITEM TO BE CONSIDERED:

Subject: Funding Allocation Of City's Community Promotion Grants With The Santa Barbara County Arts Commission For Fiscal Year 2010

Recommendation: That the Finance Committee review the City's Arts Advisory Committee grant funding recommendations for Fiscal Year 2010 and forward the recommendations to the City Council for approval.



CITY OF SANTA BARBARA

FINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Finance Committee

FROM: Administrative Division, Community Development Department

SUBJECT: Funding Allocation Of City's Community Promotion Grants With The Santa Barbara County Arts Commission For Fiscal Year 2010

RECOMMENDATION:

That the Finance Committee review the City's Arts Advisory Committee grant funding recommendations for Fiscal Year 2010 and forward the recommendations to the City Council for approval.

DISCUSSION:

In the Fiscal Year 2010 budget, Council authorized funds to the Santa Barbara County Arts Commission to provide Community Arts, Organizational Development, and Community Events & Festival grants, and for staffing to the City Arts Advisory Committee, Visual Arts in Public Places, and Events & Festivals Committees. The allocation for this fiscal year was reduced by \$44,524 (8.4%), which is consistent with the same percentage reductions that other outside agencies that receive funding from the City of Santa Barbara experienced, e.g., Santa Barbara International Film Festival (SBIFF).

The grant funds support city arts organizations and community promotion, and continue the development of the Downtown Cultural District and other special projects. Funds also provide technical assistance to artists, arts organizations, and cultural promotion groups.

The individual grant categories and recommendations approved by the City Arts Advisory Committee on July 16, 2009, are listed below.

Community Arts

The Community Arts Subcommittee met on July 1, 2009, and reviewed all applications to the Community Arts Grant Program. The subcommittee's recommendations were reviewed and approved on July 16, 2009, by the City Arts Advisory Committee. The base amount for this program is \$54,476.

A total of \$124,000 was requested by 23 nonprofit organizations. All of the applicants were awarded funding. Groups applying for Community Arts grants are not eligible to apply for Organizational Development or Community Events & Festivals grants.

Organizational Development

The Organizational Development Subcommittee met on June 25, 2009, and reviewed all of the applications submitted to the Organizational Development Grant Program. The subcommittee's recommendations were reviewed and approved on July 16, 2009 by the City Arts Advisory Committee. The base amount for this program is \$161,000 plus \$6,000 for a total of \$167,000. There is an additional \$6,000 available in this category which is a carry-over due to one grantee not using their complete allocation in Fiscal Year 2009.

A total of \$392,882 was requested by 30 nonprofit organizations. All of the applicants were awarded funding. Groups applying for Organizational Development grants are not eligible to apply for Community Arts or Community Events & Festivals grants.

Community Events & Festivals

The Community Events & Festivals Committee met on July 6, 2009, to review applications and interview organization applicants for the Events & Festivals Grant Program. The base amount for this program is \$123,000 plus \$9,000 for a total of \$132,000. There is an additional \$9,000 available in this category which is a carry-over due to one grantee not using their complete allocation in Fiscal Year 2009.

A total of \$296,500 was requested by 14 non-profit organizations. All of the applicants were awarded funding. Groups applying for Community Events & Festivals grants are not eligible to apply for Community Arts or Organizational Development grants.

BUDGET/FINANCIAL INFORMATION:

Funds for these programs are included in the approved Fiscal Year 2010 General Fund budget.

ATTACHMENTS:

1. Community Arts Recommendations
2. Organizational Development Recommendations
3. Community Events & Festivals Recommendations
4. Funding Comparisons for All Three Grants
5. City Arts Advisory Roster and Community Events & Festivals Committee Roster

PREPARED BY: Ginny Brush, Executive Director of the County Arts Commission

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-01	Art from the Heart	\$6,000	\$2,000
<p>The goal of the Art from the Heart (AFH) Multigenerational Program is to bring generations together and encourage those artistic gifts in participants of all ages and abilities. AFH links participants through creative classes in movement, singing and instrument exploration, and body and face painting. Grant funds are requested to purchase materials and pay the instructor to coordinate and schedule multi-generational classes in Santa Barbara. This project provides an opportunity for intergenerational interaction and dialog using the arts to promote self-expression, confidence and self-esteem. <u>Panel Comments:</u> The Committee applauds the applicant for this program that reaches an underserved audience and sees the value to the community of creative multigenerational interaction and for expanding participation with existing community resources. The grant application, however, was not specific on details of where and how children will be recruited. The budget did not show enough detail; specifically in earned income. If the applicant applies in the future, the committee would request more budget detail and clarification on the project and outcomes.</p>			
CA-02	Betsy Gallery Mosaic Project	\$6,000	\$2,000
<p>The artist proposes to work with the community including survivors and first responders from the recent fires that have occurred in the community using pottery shards that will be gathered by the participants. Workshops will be held to develop a mural that when complete would be installed at SB County Fire Headquarters. Grant funds would pay the artist to coordinate, teach workshops, and oversee the fabrication of the mural in collaboration with Art From Scrap. <u>Panel Comments:</u> The committee liked the concept of the proposal, specifically the community involvement. It was unclear where and how the volunteers would be recruited for the project. The budget was vague and the committee was concerned that the majority of funding for the project would be coming from this grant. The Committee recommends that the applicant find additional matching funds for the project in addition to in-kind contributions listed in the grant.</p>			
CA-03	Boys and Girls Club of Santa Barbara	\$3,000	\$2,000
<p>Funds are requested to expand the Fine Arts Program that is focused on underserved youth through the addition of personnel as well as art materials. The program consists of painting, ceramics, drawing and sculpture education, with a focus on art techniques, art history, and artists. The greatest emphasis is in the area of ceramics where 50% of the artist educators teach. <u>Panel Comments:</u> This is an established program that reaches many underserved youth. Their continuity is a great strength. The application did not clarify whose salary would be supported and where the money would be spent. The inclusion of art history (50 Artists in 50 Days Program) as part of the curriculum was also seen as a valuable addition to the program.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-04	Children's Creative Project	\$6,000	\$2,500
<p>Since 1984, Children's Creative Project (CCP) has produced the free <i>Arts Catalog</i> that is distributed annually to 300 public and private schools throughout the county. During the academic year, Children's Creative Project will serve six schools in the SB Elementary School District. Requested grant funds will help subsidize, in part, performances by professional touring artists (many from the Santa Barbara Region) that will occur at individual school sites (most of whom are Title 1 schools). <u>Panel Comments:</u> The Committee recognizes and applauds the value of CCP that has a proven track record of support to artists and to the schools. The value of this program becomes greater as funding for arts in the public schools diminishes. The Committee appreciated the detail provided in the grant application. Funding from the Community Arts Grant is to be used to support artist fees.</p>			
CA-05	Chumash Maritime Association	\$6,000	\$2,500
<p>The Chumash Maritime Association requests grant funds to help produce a Syuxtum Cultural podcast to be used to interpret the Chumash mosaic story circle plaza that is included in the West Beach Pedestrian Improvement Project along Cabrillo Blvd. The funds would be used for artist fees, production costs, and marketing for a brochure to increase awareness of the podcast. <u>Panel Comments:</u> The Committee recognizes the importance of the preservation of the Chumash culture and recognizes the podcast is a very appropriate vehicle to convey culture through inclusion of music, sound and the spoken word. The collaboration with the Maritime Museum should provide increased access to the podcast and supporting materials. The committee had concerns that the Community Arts grant is the sole funding source for this project; the budget did not clearly indicate matching funds and reinforce the narrative of the grant request.</p>			
CA-06	Everybody Dance Now!	\$6,000	\$3,500
<p>Everybody Dance Now! (EDN!) has brought free weekly dance classes to over 700 low-income children and teens in Santa Barbara since April 2006. Their classes are taught by talented and enthusiastic high school and college students who participate in frequent trainings and team-bonding meetings. EDN! holds 8-10 dance classes per week at various times and locations. EDN! holds master dance classes and has a performing troupe that performs at numerous and diverse community locations and events. Funds are requested for salaries, insurance, and support for expenses associated with world dance classes. <u>Panel Comments:</u> EDN! Serves a remarkable number of students and is well integrated into the fabric of the community. The grant was very well written, and the volunteer base is admirable. Impact of use of grant funds was very well articulated.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-07	Friends of the Eastside Library	\$5,000	\$3,000
<p>This Ethnic Outreach Multicultural Arts Program provides a free monthly children's performance series at the Eastside Branch Library. Programs are bilingual, showcase a variety of cultures, represent a variety of arts forms, are family oriented, encourage participation, and often employ local artists. Participating artists are found either through the Children's Creative Project Art Catalogue, or by word of mouth through library sources. The Eastside Library's Spanish-speaking director has a goal to increase bilingual programming at the Library. All grant funds are requested for the performance series and will be used for artist fees. <u>Panel Comments:</u> This was a well written and thorough grant application. This multicultural, multigenerational program is ongoing and year round in a neighborhood that has few resources. The Committee commends their collaborative efforts.</p>			
CA-08	Inner Light Community Gospel Choir	\$2,500	\$1,750
<p>In celebration of the Annual Black History Month held in February, the Innerlight Community Gospel Choir conducts a local Gospel Music Workshop each year. The choir's endeavor is to broaden its outreach to include diverse participants throughout the county and beyond. The primary purpose of the workshop is to preserve and increase awareness of gospel music as a unique part of American musical cultural tradition. Grant funds will pay for salaries, advertising, and sound equipment rental. <u>Panel Comments:</u> Good collaboration with Endowment for Youth, the Downtown Organization's 1st Thursday program, and other organizations. The Committee does recognize the need to preserve and inform the community of this cultural tradition. The applicant needs to articulate the community benefit and include more specific information in the future.</p>			
CA-09	Michael Katz Storyteller	\$6,000	\$2,000
<p>This project aims to provide supplementary funding for four storytelling residencies and 10 performances by storyteller Michael Katz in 14 Santa Barbara public elementary schools. Each residency will involve two storytelling performances for the entire school. The grant funds are requested as supplemental funding for the performances at area schools and will be used for administrative and artistic salaries. <u>Panel Comments:</u> This was a well written grant. The applicant is well respected and recognized in the community, as a rare combination of artist and administrator. The grantee reaches a very large and diverse audience. Grant funding is to be used for artist fees only.</p>			
CA-10	On the Verge	\$6,000	\$2,000
<p>On the Verge Teen Choreographer's Showcase provides teens with the unique opportunity to choreograph original work with the help of professional mentors. On the Verge provides the opportunity for teens to see their work performed for their peers and the community in a professional setting. Funds are requested to pay salaries. <u>Panel Comments:</u> The panel commends the group for its mentorship model to give back to the community through providing lectures and demonstrations to young aspiring dancers and choreographers. In future grant applications, the committee would like to see the specific use of funds and the impact of the program more clearly articulated and see strategies to include more diversity among the participants.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-11	Pride Foundation	\$5,000	\$2,250
<p>The Pacific Pride Foundation requests funds to help pay for hiring and engaging a headlining performer, musical bands, and LGBT authors for the Pacific Pride Festival. Grant funds would also be used to pay for art activities targeted to children and youth. <u>Panel Comments:</u> Committee commends the applicants for preserving this important festival with multigenerational impacts; and recognizes their excellent fundraising efforts. Grant funds are to be used to pay regional artists. Committee recommends collaboration with Art from Scrap for some of the children’s activities.</p>			
CA-12	Peace Chair Project	\$6,000	\$ 500
<p>The Peace Chair Project will place Peace Chairs designed by artists for the purpose of peaceful conflict resolution and mediation. The applicant plans has initiated this project in Solvang and has plans to place these chairs in Lompoc, Santa Maria, Guadalupe, and the Santa Barbara Main Library and a local Charter School. Grant funds would be used for artists and coordinator salaries, as well as supplies. <u>Panel Comments:</u> While the panel sees this as a good concept with good community sponsorships, it found the Peace Chair Project needs a more defined curriculum and measurable outcomes more defined; and the segment of the community served was limited. The “seed” money for this program is to be used for projects in the City of Santa Barbara only. If the applicant were going to reapply for funds; the Committee would like to see matching grant funds and a broader reach to communities in the City of Santa Barbara.</p>			
CA-13	Performing and Visual Arts Camp	\$6,000	\$3,000
<p>Performing and Visual Arts Camp (PVAC) began in 2004 to provide underserved students the opportunity to attend a high-quality arts camp. PVAC is a high-energy arts camp designed for students ages 7-14 to experience the creative process of a musical production as well as receive instruction in core curriculum. Funds are requested to support resident artists for the camp and the visiting artist series. <u>Panel Comments:</u> Well written and complete grant. This recognized and valued program with a talented, diverse “faculty” serves underserved youth on the Westside. It has demonstrated community support.</p>			
CA-14	Project Renaissance	\$6,000	\$4,000
<p>Project Renaissance targets at-risk youth living on the Westside of Santa Barbara. They present five workshops run by professional artists based on art for social change involving images from the Renaissance. Funds will be used to purchase canvases and pay artists salaries. <u>Panel Comments:</u> A well-written grant that clearly articulates use of funds and value of the program. Project Renaissance has a proven record of reaching at-risk youth and entire families and is one of the few programs that incorporates visual arts in their program and engages them with community events such as Summer Solstice and the I Madonnari Festival.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-15	SB African Heritage Film Series	\$6,000	\$3,000
<p>This film series aims to promote diversity and tolerance. In collaboration with <i>FRESHi</i>, the goal is to increase access to the arts and 21st century technology for underserved youth with digital filmmaking so they may tell their own stories. The funds would be used for filmmaking enrichment camps and a project coordinator. <u>Panel Comments:</u> The committee commends SBAHFS for targeting this unique and accessible medium used to highlight a specific culture and engage youth in self-expression. In the future more detail is needed to articulate how students benefit from the program and peer activities and how this program can link to other community programs or activities.</p>			
CA-16	Santa Barbara Festival Ballet	\$5,000	\$2,000
<p>Since 1971, the Santa Barbara Festival Ballet has been presenting an annual performance of Tchaikovsky's <i>The Nutcracker</i> at the historic Arlington Theater. Requested grant fund would support the "Friends of Clara" program, now entering its third year. The program is designed to directly benefit the underserved children in our community by underwriting tickets to the performance. All funds will be used directly to buy a seat for a child and family member to attend a performance. <u>Panel Comments:</u> Committee recognizes the value of giving youth an entrance to live ballet and the theatre experience and the good partnerships with underserved youth SBFB is developing. The panel sees the huge return and community benefit for grant funds given. Budget figures for 2009-2010 were missing from the grant.</p>			
CA-17	Arts Ed at the Granada	\$6,000	\$2,000
<p>The Teen Project is free of charge to highly at-risk students at El Puente High School. After-school workshops will be led by professional documentary filmmakers. Grant funds will be used for salaries for instruction, marketing and publicity, and digital media supplies. <u>Panel Comments:</u> A well written grant with a structured program and use of funds clearly articulated. The Committee recognizes the need for and value of filmmaking to be taught in this environment. The panel suggests that the selection process for participants needs to be more inclusive.</p>			
CA-18	SB Youth Mariachi Festival	\$6,000	\$3,000
<p>The Youth Mariachi Youth Festival Program holds weekly lessons at Franklin Elementary School that is open to all Santa Barbara area youth. They also hold special camps and workshops in the summer. The goal is to teach the cultural significance and richness of Mariachi music. Funds would pay for instructors. <u>Panel Comments:</u> This was a well-written grant with good collaboration and accountability. This a commendable multigenerational program. The panel found the budget information included in the grant needed more detail, particularly with inclusion of past year's budget, and further clarification of the Foundation Grant.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-19	Santa Barbara Vocal Jazz Foundation	\$3,000	\$2,000
<p>The Santa Barbara Vocal Jazz Foundation is dedicated to bringing vocal jazz to underserved school children in primarily Title 1 schools in the city. To date, approximately 1,016 children have received individualized instruction in jazz harmony, jazz history, and firsthand appreciation of jazz as an American art form, by participating in the SBVJF Vocal Jazz Workshop. The funds requested will pay for the entire eight-week workshop at an underserved school. SBVJF links artists to schools with programs that include multi-cultural components to build self-confidence and team building and provide a free grass roots music program that is very accessible since all kids need to participate is their voice to create music. <u>Panel Comments:</u> This is a well written grant with good follow-up with the students. Budget needs clarification about expenses in the “other” category.</p>			
CA-20	SONando Santa Barbara	\$6,000	\$3,400
<p>SONando Santa Barbara is an organization dedicated to fostering cross-cultural connections celebrating “son” which is the regional music and dance from Mexico and Cuba with a rhythmic framework provided by the jarana, a small guitar-like instrument. Free evening classes will be offered at the Franklin Center. The organization requests funds for instructors in order to extend current classes, and to pay costs for the Encuentro de Jaraneros, a community celebration to be held at Casa de la Guerra. <u>Panel Comments:</u> A well written and thorough grant. Good collaborations. Open classes and the final event is a bonus to preserving this specific and important art form.</p>			
CA-21	Song of Place Poetry Project	\$4,500	\$576
<p>The Song of Place Poetry Project (SPPP) presents diverse programs to a variety of city venues throughout the year. Grant funds are requested for general support of community arts activities. SPPP is an on-going endeavor and has provided multi-cultural programming to a diversity of participants and presented to a multi-cultural audience in often non-traditional venues. The artist is requesting funds to support her work. <u>Panel Comments:</u> Committee recognizes the many contributions of the individual artist, but found the grant request quite vague. The panel recommends future requests focus on a specific concept or specific projects such as the yearly Langston Hughes project. Funds from this grant are to be used for the next Langston Hughes project.</p>			
CA-22	VIVA EL ARTE!	\$6,000	\$2,500
<p>The VIVA EL ARTE! (VEA!) Community Arts Project is specifically designed to target underserved audiences across Santa Barbara County that include low income, Spanish-speaking communities and to provide them with accessible, no cost art performances and opportunities that reflect their unique cultural heritage and traditions. The Marjorie Luke Theatre on the Eastside has been the site of VEA! events in Santa Barbara. The requested grant funds will specifically support the salaries of bilingual project coordinators. <u>Panel Comments:</u> A very well written grant for a program that continues to grow a diverse audience and community attendance at events. The awarded grant funds are far-reaching. In future grants the panel recommends that the eastside performance component be more clearly articulated.</p>			

2009 – 2010 COMMUNITY ARTS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
CA-23	Women's Literary Festival	\$6,000	\$3,000
<p>The Women's Literary Festival, partnering with the Santa Barbara Library System and the UCSB Women's Center, hosts seven diverse female authors who present their work in plenary and breakout sessions. The 2010 Festival will be held in the City of Santa Barbara at the Fess Parker DoubleTree Resort. Grant funds are requested to expand diversity and access to the Festival by funding Spanish translation of the brochure and program, fund an on-site American Sign Language translator for the event, and 50 scholarship admissions. Grant funds are also requested to assist with advertising expenses.</p> <p><u>Panel Comments:</u> A well-written grant, and a valuable program to the community. This is one of the only programs that present the written word as an art form. The panel commends WLF for expanding outreach to underserved communities through Spanish and ASL translators and for continuing to provide scholarships and encourages WLF to continue in its effort to that direction.</p>			
		Amt. Requested	Amt. Recommended
		\$124,000	\$54,476

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
OD-01	Art From Scrap	\$18,000	\$9,000
<p>The mission of Art From Scrap (AFS) is to support and encourage creative exploration and expression in the arts, while promoting a greater understanding of environmental issues. Grant funds are requested for a portion of the salary of the Artistic Director, to further develop the community-based arts programming in partnership with schools, businesses, and other arts and community organizations. <u>Panel Comments:</u> The review committee applauds Art From Scrap for its effective use of new technology, and its exceptional outreach program reaching a wide and diverse cross-section of the community with information on environmental issues and empowering artistic opportunities. Funds awarded will be used to support the salary of the Artistic Director to further community outreach.</p>			
OD-02	Arts for Humanity!	\$12,000	\$4,500
<p><i>Arts for Humanity! (AH!)</i> Provides interactive, intergenerational art experiences with programs that cultivate creativity, promote self-esteem, and provide social integration which empower at-risk youth, people with developmental disabilities, and elders in partnership with local artists and the Santa Barbara community to increase awareness of these underserved groups. A portion of this grant is requested to recruit interns. <u>Panel Comments:</u> The review committee recognizes the valuable interactive opportunities provided by Arts for Humanity! to a significant number of underserved groups. Information and videos available on the website serve as a valuable resource to showcase performances and inform the community. Funds awarded will be used to increase internships and leverage the partnership developed with UC Santa Barbara to expand the reach of programming.</p>			
OD-03	Arts Mentorship Program	\$14,000	\$2,500
<p>The Arts Mentorship Program (AMP) is dedicated to training and educating performing artists regardless of their ability to pay. The grant funds are requested to provide reduced studio rent, mentorships, and scholarships. <u>Panel Comments:</u> The committee recognizes the value of the partnership of the Arts Mentorship Program and Santa Barbara Dance Arts that provides much needed support for dance and performing arts mentors to nurture future dancers and performers and provide opportunities to experience the arts in these challenging economic times. Funds awarded will be used to support the rent subsidies program that provides reduced rent on studio space, mentorships and scholarships.</p>			
OD-04	Ballet Santa Barbara	\$18,000	\$3,000
<p>Ballet Santa Barbara (BSB) provides educational and artistic programs in dance to meet the wide-ranging needs of our community's children, youth, and adults, by fostering participation in dance as both a rewarding, physical activity and living contemporary art. Grant funding is requested to enable BSB with educational programs designed to grow and develop its audience base to include low-income families, and underserved children and youth. <u>Panel Comments:</u> The committee recognizes the value of providing professional dance instruction to young students that meet State Instruction Standards for cognitive development. The BSB residency at Roosevelt that provides 16 weeks of instruction to 1st Graders is an excellent model to expand to other elementary schools in the city. The purchase of a portable wooden dance floor would enable greater community outreach.</p>			

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
OD-05	BOXTALES Theatre Co.	\$15,000	\$9,000
<p>Boxtales Theatre Company's mission is to spark imagination, strengthen cultural pride, foster tolerance; and it engages young people in the excitement of live performance by presenting myths and folktales from around the world using storytelling, live music, movement, and masks. Funds are requested to support the salary of a Development/Company Manager responsible for touring logistics, booking performances, marketing and communication with presenters and board members, bookkeeping, database management, and fundraising. <u>Panel Comments:</u> Boxtales submitted a very well prepared grant clearly outlining their program and request for funds. The committee applauds Boxtales for the exceptional reach of their program to a wide, diverse, cross-generational audience. Increasing the time and focus of the Company Manager's position to expand bookings, and therefore revenue, is an excellent strategy in the current economic climate. The shift to greater use of social media in reaching the public is commendable.</p>			
OD-06	Camerata Pacifica	\$10,000	\$4,000
<p>Camerata Pacifica's mission is to affect positively how people experience live classical music and expand appreciation. The organization strives for this impact through its flagship concert series, offering monthly programs. This request is for support of Camerata Pacifica's outreach initiatives with musical activities outside the concert hall to expand and attract future audiences. <u>Panel Comments:</u> The strategy to grow audiences by providing free or low-cost musical performances outside the Concert Hall is a good one. Programs like the planned Martini Club should attract a young professional audience. The target audience for programming seems to be shifting to the south beyond the borders of Santa Barbara.</p>			
OD-07	Center Stage Theater	\$13,000	\$8,000
<p>Center Stage Theater exists to provide a professional, affordable, and accessible performing arts venue in Downtown Santa Barbara. Center Stage encourages works that celebrate new artists, new works, and the cultural diversity of our community. Funds requested, in part, would be applied to general operating expenses and rental subsidies to keep rental rates affordable. <u>Panel Comments:</u> The committee recognizes the community benefit and value of keeping rental rates as low as possible for grassroots groups and making performances affordable. The developing partnership with Speaking of Stories that shares resources and staff is an excellent model in the current economic climate.</p>			
OD-08	City at Peace	\$10,000	\$7,000
<p>City at Peace, Santa Barbara, is an award-winning program that uses the performing arts to provide leadership skills, conflict resolution training, and cross-cultural understanding to a diverse group of teens, ages 13-19 from secondary schools. In the short term the funds will provide a portion of the salary and payroll expenses for the Program Director and Artistic Director. <u>Panel Comments:</u> City at Peace is a ground-breaking program that effectively engages at-risk youth in creative self-expression while building leadership and conflict resolution skills. Building public performances on the perspective and experience of at-risk youth provide an invaluable opportunity for a cross-generational, cross-cultural community dialogue. The planned collaboration with the Lobero Theatre to expand the outreach program is an excellent strategy.</p>			

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
OD-09	Community Arts and Music Association (CAMA)	\$18,000	\$5,000

CAMA is celebrating its 90th anniversary this year. The purpose of CAMA is to enrich Santa Barbara's cultural life through the presentation of a variety of concerts by world-renowned performers and orchestras at the highest level of artistic excellence. CAMA has developed a strong classical music outreach and classical music curriculum for elementary school students as well as an outreach to the community through adult education classes for life-long learners that provide reduced price tickets through subsidies. Requested funds, in part, will be used to build the subscriber base of new younger audiences through marketing, education and outreach. Panel Comments: CAMA's music education outreach to youth in public schools and life-long learners through the adult education program serve as a valuable resource to the community. Expanding the subscriber base to attract younger concert goers is essential to the sustainability of your organization. Use of social networking and new media to attract younger audiences is a good strategy.

OD-10	Dancing Drum	\$17,800	\$9,500
-------	--------------	----------	---------

Dancing Drum's mission is to provide a forum for people of all ages to participate in the universal language of rhythm through drumming, dancing, geographical and multi-cultural education, and performance. Dancing Drum programs embrace the power of the drum for making music, building community and transforming lives. Panel Comments: This is a outstanding program with a history of broad outreach to diverse communities and the ability to partner with a variety of other organizations. The grant funds are proposed to implement School Drum Ensembles, develop and promote "Drum Day for Youth" and "Santa Barbara Drum Day," and to provide teacher training and materials to allow for sustained drumming programs in schools. The grant will also fund collaboration with Santa Barbara Dance Institute.

OD-11	Ensemble Theatre Co.	\$18,000	\$9,000
-------	----------------------	----------	---------

Founded in 1979, the Ensemble Theatre Company is Santa Barbara's oldest professional, resident theater company. Housed at the historic Alhecama Theatre, Ensemble offers five full-length plays each season and produces challenging, professional theater from a wide body of work that reflects contemporary aesthetics and current social concerns. Grant funding is requested to pay artist salaries, including actor, director and designer fees, as well as to increase the overall marketing efforts. The Ensemble Theater has arranged collaboration with the Rubicon Theater in Ventura to expand regional awareness of Ensemble Theater and draw audiences from Ventura. Panel Comments: The recent successes of Ensemble Theatre are evident in the increased subscriber base. Expanding opportunities and awareness of contemporary theater through the proposed matinee program, Children's Theater and the developing partnership with the Rubicon Theatre are all good strategies. Programs such as the Salon Program and Book Club are also excellent ways to increase community awareness and enthusiasm for contemporary theater.

OD-12	Flamenco Arts Festival	\$10,000	\$7,500
-------	------------------------	----------	---------

The internationally renowned Flamenco Arts Festival, a non-profit organization, was founded in 1999 and holds the distinction of being the first Flamenco Festival in California which was conceived, organized and implemented by Latinos. The festival coincides with the nationwide Hispanic Heritage Month celebrations. Grant funding will help fund the major activities of the festival including artist's fees,

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
	instructors, workshops, and scholarships. Requested funds will also be used for advertising and marketing to increase ticket sales. <u>Panel Comments:</u> The committee recommends continued efforts to collaborate with other regional cultural groups to share costs of artists' transportation and performance fees. The workshops and scholarships organized by the Flamenco Festival provide a valued resource to underserved Latino/a youth.		
OD-13	Genesis West	\$8,500	\$3,000
	Genesis West is a professional theater company founded in 1998 which brings contemporary and well-noted playwrights to Santa Barbara. They hire all local actors, designers, and artists for their productions. Requested grant funds will be used to hire a fund raising/public relations consultant to develop marketing and PR in order to expand audience base and sponsorships. <u>Panel Comments:</u> Genesis West is a little gem that continues to provide contemporary theatrical programming to a younger 20s-30s audience. The strategy to hire a fund raising/public relations consultant to expand its audience base and increase community support is a good next step in growing the organization and its expanding the reach of Genesis West.		
OD-14	Lesbian, Gay, Bisexual, and Transsexual Film Festival (LGBT)	\$4,000	\$3,000
	The LGBT Film Festival provides a cultural program targeting the LGBT communities in Santa Barbara County and raises awareness in the general community of Santa Barbara as a culturally relevant and inclusive community. The funds will be used to support the salary of the Outrageous Film Festival Administrator as well as some marketing costs. <u>Panel Comments:</u> Funds requested for support of the Festival Administrator's position will help continue and expand the reach of this successful festival by providing additional resources for marketing.		
OD-15	Lit Moon Theatre Company	\$18,000	\$8,500
	Lit Moon Theatre provides the Santa Barbara area with an alternative to mainstream theater, and offers educational opportunities that broaden and deepen the understanding of world theater and cultural traditions. Programs attract a broad-based, multi-generational audience. Lit Moon has demonstrated success in growing its organization and developing community support while building a reputation for innovative world-class theater. Grant funds will help subsidize the 2010 Lit Moon World Shakespeare Festival that will include performances, workshops, exhibits, panel discussions, and social events. <u>Panel Comments:</u> Lit Moon continues to expand its international reach and grow its subscriber base by creating innovative cross-cultural programming while developing strategic collaborations and marketing plans.		
OD-16	S.B. Dance Alliance	\$18,000	\$8,500
	Santa Barbara Dance Alliance (SBDA) was established in 1979 as a non-profit arts service organization to foster, promote, and increase the awareness of dance by bringing together choreographers and performers from all ages, schools, ethnic traditions, and artistic styles for common projects. Grant funds will be used to sustain the organization through these economic hard times and to help with increased rent expenses with the move to the Hutton's new Center for Arts and Culture Center. Funds will also help reinstate previously reduced hours for staff and the Executive Director's salary. <u>Panel Comments:</u> The committee		

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
	recognizes the SB Dance Alliance for its commitment to scholarships and mentoring to young dancers and its reputation for attracting diverse audiences to its events. Residency in the new Arts and Culture Center should help expand the visibility and reach of the organization. The commitment to serve as a nonprofit umbrella to individual artists and small community groups is a valued resource.		
OD-17	Marjorie Luke Theatre	\$13,332	\$7,000
	The Marjorie Luke Theatre is a unique and innovative partnership of public and private entities to provide an accessible, affordable, youth-oriented venue for the community. The non-profit organization manages and operates the Marjorie Luke Theatre in a building owned by the Santa Barbara School District. The Marjorie Luke Theatre offers free technical theater classes and a program for venue subsidies to help support smaller grassroots organizations. This funding request represents a third of the General Manager's salary, whose position helps provide community support and resources through the programs mentioned above. <u>Panel Comments:</u> The community and a diverse array of cultural organizations benefit from the rent subsidy program and technical support provided by the Marjorie Luke Theatre and the resources of its staff. This program has resulted in greater audience diversity and improved access to cultural events for youth and underserved groups in Santa Barbara.		
OD-18	Music Academy of the West	\$18,000	\$3,000
	Since 1947 the Academy has dedicated itself to advancing the development of gifted young classical musicians and professionals through both educational programs and performance opportunities. The community benefits from these high caliber performances. The Music Academy of the West has collaborations with 19 other performing community arts groups offering them studio and rehearsal rooms as well as use of the newly renovated Hahn Hall. Grant funding will help the Academy offer 94 of this summer's 197 musical events for free and also to continue their Orchestra Outreach Series with \$10 tickets. <u>Panel Comments:</u> The panel approves of the Academy's efforts to provide free and reasonably priced tickets to the community to further their outreach efforts.		
OD-19	S. B. Chamber Orchestra	\$6,000	\$4,000
	The Chamber's mission is to serve the community by offering chamber orchestra performances of the highest quality to concert audiences and, through outreach, provide increased access for seniors who can no longer attend regular venues. Additionally, a goal of the SBCO is to promote classical music as a living, accessible art form to youth through performance and educational efforts that will engender a new generation of musicians, music-lovers and patrons. Funds from the grant are requested to support the Concert Seats for Families program providing staff payroll and marketing costs necessary to recruit families. <u>Panel Comments:</u> The committee recognizes the importance of building the next generation of musicians and music lovers and applauds SBCO for its continued efforts to engage youth and expand the reach of its programs to underserved and more diverse audiences.		
OD-20	S.B. Contemporary Arts Forum (CAF)	\$18,000	\$5,500
	The Contemporary Arts Forum provides an arena for the presentation, documentation and support of a broad variety of visual, media and performing arts with the aim of expanding and educating the audience for contemporary art. CAF promotes the work of local, regional, national and international artists. The OD Grant will enable CAF to sustain operational costs and staff salaries for such community programs as		

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
	the Call for Entries, Bloom Projects, Forum Lounge and CAF as Classroom. <u>Panel Comments:</u> Although the submitted budget was incomplete, the panel recognizes the importance of contemporary art and the goal of increasing membership. The panel commends CAF for their upcoming collaboration efforts with the Santa Barbara Endowment for Youth.		
OD-21	S.B. Dance Institute	\$18,000	\$8,500
	Santa Barbara Dance Institute is an in-school dance program that is modeled after the National Dance Institute. The SBDI is founded in the belief that the arts have a distinctive ability to engage children to find excellence within themselves. The purpose of SBDI programs is to help children develop discipline, a standard of excellence, and a belief in themselves and their creative expression. SBDI offers 31 -35 weekly lessons during school hours as part of the curriculum with one in-school assembly and the opportunity to participate in an end-of-the-year Production with hundreds of other students at the Marjorie Luke Theatre. Organizational Development funds will support SBDI programs, to train teachers, and deepen existing school partnerships. <u>Panel Comments:</u> This is an exemplary program with a proven ability to garner community support and reach very diverse and underserved youth with programs that promote self-esteem and cross-cultural understanding. The panel recognizes and applauds the far-reaching effects of this superior program.		
OD-22	S.B. Education Foundation	\$5,000	\$2,000
	Santa Barbara Education Foundation initiates and supports academic enrichment programs for students in the Santa Barbara School District. In the past they have implemented classroom mini-grants for the purchase of classroom materials, a museum of tolerance program, a safe playground project, purchased library materials and technology equipment. This year the Foundation is requesting funds to help purchase musical instruments for their Keep the Beat Project. <u>Panel Comments:</u> Santa Barbara Education Foundation is to be commended for implementing seven community academic enrichment projects. Their goal of purchasing musical instruments for students is a program that will help assuage the loss of funding in community music programs and provide greater access to music appreciation and instruction through the Keep the Beat Project.		
OD-23	S.B. Maritime Museum	\$18,000	\$2,000
	The Maritime Museum preserves and celebrates the maritime heritage of the California Coast with interactive exhibits, educational programs, and community events. Requested grant funds would be used to increase the marketing of the museum in order to increase attendance and thus reach more of the community. Funds would be used for developing marketing and promotion strategies, the services of a marketing consultant and the printing of marketing materials. <u>Panel Comments:</u> The committee encourages the continued outreach efforts and more targeted marketing strategies. Recent collaborations with other cultural groups are a good strategy in increasing SBMM's visibility and expanding its visitor base.		
OD-24	S.B. Master Chorale	\$5,000	\$2,500
	The Santa Barbara Master Chorale provides the opportunity for singers from the community to learn and perform choral music; fosters public awareness and education about choral music by staging public concerts; and stimulates interest in choral and classical music amongst students and the public. Funds are		

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
	<p>requested for an Audience Development Campaign designed to reach a greater number of potential concert goers; attract new singers into membership in the Chorale; and draw a wider audience to concerts. Requested funds would also be used for the Young Concertgoers Program that provides free tickets to K-12 students. <u>Panel Comments:</u> The strategy of using social networking sites to attract younger audiences is a good one and providing free tickets to students is a way to increase diversity by reaching underserved youth.</p>		
OD-25	S.B. Museum of Art	\$18,000	\$5,000
	<p>The Santa Barbara Museum of Art aims to integrate art into the lives of people. Organizational Development grant funds are requested to help support the 40 free educational programs which serve 40,000 people of diverse ages, interests, socio-economic and cultural backgrounds. <u>Panel Comments:</u> The committee recognizes the commitment to, and value of SBMA's cultural outreach to diverse underserved youth, communities and neighborhoods through strategic partnerships and engaging programs and activities.</p>		
OD-26	S.B. Symphony	\$16,500	\$7,000
	<p>The Santa Barbara Symphony is a resident orchestra that aims to perform great works with passion and excellence in order to enrich the lives of the community. The symphony provides numerous free concerts and educational programs. The Organizational Development funds are requested to help underwrite the salaries of the Director of Operations/Artist Planning and the Director of Patron Services in order to maintain the current programs. <u>Panel Comments:</u> The strategy to downsize programs and increase efforts to maximize efficiency is prudent during difficult economic times. The panel appreciates the efforts to provide free concert opportunities for Santa Barbara families.</p>		
OD-27	S.B. Visual Arts Alliance	\$7,750	\$1,500
	<p>The Visual Arts Alliance supports and promotes Santa Barbara County's visual art community through a website to attract art lovers, buyers, collectors, and patrons. Artist's opportunities and educational information can be found on the website as well. Grant funds would be used to expanded website development. <u>Panel Comments:</u> The new sbva.org website design allows potential cultural tourists to access art information by calendar dates and by locations around town and is an improvement and asset to the arts and tourism community. In future grants, it is necessary to include more statistical information to determine audience demographics. Board information was missing from the grant request.</p>		
OD-28	Speaking of Stories	\$15,000	\$7,500
	<p>Speaking of Stories promotes the appreciation of literature through live theatrical readings with performances that bring short stories to life while focusing on the power of the spoken word. Talented actors transform stories from the page to the stage. The Speaking of Stories performance program is a 5-show season. In addition they have educational programs that are particularly targeted towards at-risk youth in our community. Grant funds would be used to help pay the salaries of the administrative staff. <u>Panel Comments:</u> The committee applauds Speaking of Stories for its WORD UP program and commitment to making affordable tickets available to students. The partnership with Center Stage Theater to share resources, office space and staff is a good strategy in the current economic climate.</p>		

2009 – 2010 ORGANIZATIONAL DEVELOPMENT GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
OD-29	State Street Ballet	\$18,000	\$7,500
<p>State Street Ballet is a fully professional dance company dedicated to presenting excellence in classical dance through public performances and educational outreach programs. Funds are requested to fund core production costs. <u>Panel Comments:</u> The committee recognizes the contributions of State Street Ballet to the community and its role as the resident company at the Gail Towbes Center for Dance. The production of <i>Jungle Book</i>, the <i>Nutcracker</i> and the collaboration with the Master Chorale for <i>Mission Chorale</i> is evidence of an outstanding artistic team; and the subsequent arts education program will benefit a wide cross-section of school children.</p>			
OD-30	The Santa Barbara Channels	\$12,000	\$3,000
<p>The Santa Barbara Channels is a community access TV station that produces The Creative Community that showcases local artists, playwrights, poets, filmmakers, authors, directors, and musicians. Organizational Development funds will provide much needed financial support for the production costs associated with this series. <u>Panel Comments:</u> The Creative Community program hosted by current City Poet Laureate David Starkey serves as a valuable resource to the arts community by increasing visibility for regional artists and arts organizations while stimulating community dialogue about cultural issues. The committee recognizes that recorded shows serve as a valuable archive of artists and cultural events in the community.</p>			
		Amt. Requested	Amt. Recommended
		\$392,882	\$167,000

2009 – 2010 COMMUNITY EVENTS & FESTIVALS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
EF-01	Art Abounds	\$40,000	\$20,500

2009-2010 Season

Art Abounds is a partnership with UCSB Arts and Lectures and the Santa Barbara Dance Alliance which this year will present 22 large-scale events plus four residency activities featuring artists from around the world. Marketing funds for Arts and Lectures 50th Anniversary will include special subscription series with opening events and pairings with local restaurants, downtown events, and special packaging. In addition to direct mailings and local distribution, electronic media and text messaging will be used. Out of area print media and radio advertising are part of their proposal. Panel Comments: A very ambitious program with increased events downtown and links to the Cultural Arts District through the concept of restaurant pairings. Strong marketing strategy outside the area including links to artists' websites and greater use of electronic media through Facebook, Twitter. Panel applauds shifts from direct mail to electronic media and social networking and embedded YouTube videos. Art Abounds has statistics and a proven track record of drawing out-of-town visitors midweek.

EF-02	Cinco de Mayo Festival	\$8,000	\$6,000
	<i>Cinco de Mayo Festival</i>		

This grant request is for support of the 19th annual Cinco de Mayo Festival. During the two-day festival at De la Guerra Plaza, the goal will be to bring a focus on Mexican culture and tradition to downtown Santa Barbara. This free event is open to the public with live music, entertainment, food and booths at the center of the festival. Requested funds will be used to market, promote and attract out-of-town guests and locals to downtown Santa Barbara. Panel Comments: The committee recognizes the cultural significance of this event in the life of Santa Barbara. The group's bilingual event survey presented is an excellent tool for tracking information on attendees, however, the survey samples collected was a relatively small number. It was this year's good fortune to have attendance at the festival boosted by cruise ships in town, and points to the potential draw to the event with a stronger, more strategic marketing plan.

EF-03	Endowment for Youth Committee	\$8,000	\$7,000
	<i>Black History Month Celebration</i>		

The Endowment for Youth Committee (EYC) requests funds to support and promote various collaborative events celebrating Black History Month. The BHM Preview Assembly, hanging of African-American Flags along State Street, 1st Thursday performances, African-American Cultural Festival at the Maritime Museum, a gospel workshop and concert, and other events downtown. Funds are requested for marketing and publicity including electronic media and extending to the LA Times. Panel Comments: Increased exposure by expanding last year's website and links to Maritime Museum and SB Independent will increase visibility. A more targeted marketing plan for the Night of Jazz event on radio outside the area to African-American audiences; and the focus on an evening with the Giants of the Harlem Renaissance seem appropriate and timely to increase attendance.

2009 – 2010 COMMUNITY EVENTS & FESTIVALS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
EF-04	Latino CineMedia Film Festival <i>CineMedia Festival</i>	\$6,000	\$3,000

This on-going project presents the Seventh Annual Latino CineMedia Film Festival that continues to be an important component of the Santa Barbara International Film Festival through collaborations with UC Santa Barbara and the UC Interdisciplinary Humanities Center. The festival organized by Dr. Christina Venegas will feature a twenty-film schedule of screenings to include both U.S. and regional premieres of fiction and documentary works by Spanish, Latin American, Latino and indigenous filmmakers. Funding is requested for marketing and publicity and for program costs to increase visibility targeting Latino audiences from throughout the Central Coast. Panel Comments: This program has become a vital part of the SBIFF and has done much to increase attendance and participation of those interested in Latino culture and issues. The level of funding awarded for marketing represents 50% of the marketing budget described in the grant, and is the maximum available for E&F funds under the guidelines.

EF-05	Lobero Theatre Foundation <i>Lobero Live!</i>	\$40,000	\$20,500
--------------	---	-----------------	-----------------

Funding is requested for marketing the Jazz Series, special events and Lobero non-series events from September 22, 2009 – April 29, 2010. *Lobero Live* series attract diverse audiences from all age groups. Programming is designed to complement, not compete with other presentations in town. Their focus on jazz avoids duplication of classical music events at other venues. Lobero's multiple small series with world-class performers are well publicized and serve both visitors and residents. Panel Comments: The committee applauds the non-duplicative, program diversity, and appropriateness of performances offered by the Lobero. The committee concurs that the move from radio to television makes good sense to attract targeted audience and greater use of online networks, use of fan-based websites and new media to attract diverse audiences.

EF-06	Opera Santa Barbara <i>2009-2010 Season</i>	\$17,500	\$14,500
--------------	---	-----------------	-----------------

Opera Santa Barbara will stage Verdi's Macbeth on May 7th and 9th in collaboration with Fresno Opera. This is a way to share costs for sets and costumes, technical staff and the principal artists in order to accomplish more with less. There will be backstage tours, wine tastings and special restaurant packages. Students will be invited to attend a free final dress rehearsal. Funds will be used for marketing and promotion which include a branding launch, on-line website marketing, group sales, and a variety of local and out-of-area media. Panel Comments: This is an exemplary model for bringing high profile productions to Santa Barbara while reducing expenses by sharing the costs with another opera company in a different, non-competitive setting. The focus on experiencing Opera in a more intimate setting (like the Granada) compared to venues such as the Music Center in Los Angeles reinforces the appeal of Santa Barbara as a Cultural Tourist destination.

EF-07	Rumble Art <i>Rumble Art</i>	\$40,000	\$3,250
--------------	--	-----------------	----------------

Rumble Art, a 10-day art festival that coincides with the International Film Festival, aims to showcase innovative and emerging national and international artists as well as local artists. The group would like to

2009 – 2010 COMMUNITY EVENTS & FESTIVALS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
	<p>build on the initial exhibition and events promoted during last year's SBIFF. Grant funds will be used for marketing and promotion widespread via both print and electronic media. <u>Panel Comments:</u> While Rumble Art presented a good understanding of new media, international online and social networking sites, the overall marketing strategy was too vague and unrealistic. In order to draw significant audiences from out-of-town a more sophisticated strategic branding campaign for Rumble Art needs to be developed to compete with other international art fairs.</p>		
EF-08	SB Botanic Garden <i>Art in the Garden</i>	\$20,000	\$10,500
	<p>The Santa Barbara Botanic Garden will use 100% of the grant funds for out of area marketing and promotion of the Herb Parker installation which is hoped to become a major tourist attraction. The installation will be in place for two years. <u>Panel Comments:</u> While funding was given to the Botanic Garden previously for this project, the committee understands the importance of targeted marketing outside the area this year to counteract the misperceptions people may have due to recent highly visible wildfire coverage in the media nationwide. The concept to use and track coupons from visitors for room upgrades at participating area hotels are a good one for determining the effectiveness of ads.</p>		
EF-09	SB Downtown Organization <i>epicure.sb</i>	\$20,000	\$12,000
	<p>The Downtown Organization of Santa Barbara is dedicated to the promotion and enhancement of the business, cultural, community and environmental vitality of downtown Santa Barbara for the benefit of its members, Santa Barbara residents, and visitors. <i>epicure.sb</i> will be a month-long promotional platform to stimulate business and introduce new customers to restaurants, retailers, attractions and events in Santa Barbara enticing visitors to extend their stay here. Grant funds and various collaborations will be used to market and promote <i>epicure.sb</i>. <u>Panel Comments:</u> The committee was enthusiastic about the concept of building on existing food-related festivals and linking them more to other locations and events midweek in the off-season. The collaboration with the Conference & Visitors Bureau should be a great resource in promoting <i>epicure.sb</i>.</p>		
EF-10	Santa Barbara Choral Society	\$32,000	\$8,500
	<p>The Choral Society is a one hundred member semiprofessional volunteer choral ensemble dedicated to presenting and preserving excellent classical choral composition. The grant funds would be used to fund their participation in the inaugural 2010 week-long Sea Festival in collaboration with other community groups to celebrate the sea and educate the community about ways each person can protect and preserve our ocean. The choral society will present a performance of Ralph Vaughan Williams' <i>Sea Symphony</i> at the Granada. The funds will be used for the general marketing of the festival via both print and on-line in the community and out-of-the-area. <u>Panel Comments:</u> The overall collaborative nature and actual involvement of various groups in the Sea Festival was too vague. The inclusion of SOFTIN (Seafaring Opportunities for Those In Need) a non-profit organization serving the disabled/impaired/victims of abuse/elderly/youth is commendable for reaching out to new underserved audiences. The marketing strategy needed more details and lacked specifics about other media beyond the use of funds to produce a color brochure.</p>		

2009 – 2010 COMMUNITY EVENTS & FESTIVALS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
EF-11	Santa Barbara Revels <i>REVELS</i>	\$15,500	\$8,000

Santa Barbara REVELS request funds to present a full schedule of performances for adults and children to celebrate the Christmas tradition and Winter Solstice 2009 scheduled to coincide with *1st Thursday* in December. SB REVELS will again present a “tasting” performance at Casa de la Guerra in conjunction with *1st Thursday* as a marketing tool. REVELS developed a website linked to the national site with E&F funds. Funds from this year’s grant are requested for marketing and publicity, administrative, artistic, and design/technical salaries and wages. Panel Comments: REVELS organizer recognizes the need to get publicity and materials out much earlier this year. Proposed use of online programs and e-services such as Constant Contact should also help. The Committee encourages the group to enlist interns to help with online promotion and volunteer coordination.

EF-12	SB Trust for Historic Preservation <i>Annual Founding Day</i>	\$4,500	\$2,250
-------	--	---------	---------

Founding Day is a tradition the Santa Barbara Trust for Historic Preservation (SBTHP) celebrates annually with the community, visitors from throughout the State and around the world to honor and celebrate the beginnings of culture and history of Santa Barbara. Founding Day is the most significant public outreach event held by the SBTHP each year. Its purpose is to inspire an appreciation for and an interest in Santa Barbara history for people of all ages, thereby enhancing the cultural life of Santa Barbara for future generations. The SBTHP will promote the event through the State Historical Park website, California Tourism Board, and advertise the event as an opportunity for family weekend travel for out of town visitors. Panel Comments: Links to the State Parks website and La Purisima Mission have been helpful in increasing awareness of the event regionally and throughout the State. Expanding participation with cooperative advertising with restaurants and hotels in the immediate area is a good strategy. This educational, participatory and family oriented activity is a draw for a certain segment of the traveling population especially with the growing concept of “staycations”.

EF-13	SUMMERDANCE Santa Barbara <i>DANCEworks</i>	\$5,000	\$4,500
-------	--	---------	---------

SUMMERDANCE has been presenting nationally-recognized choreographers in Santa Barbara since 1996. The event *DANCEworks* is a collaboration between SUMMERDANCE Santa Barbara and the Lobero Theatre Foundation. With a history of connections within the Contemporary Dance community this model will help promote Santa Barbara as an international arts destination through its links to national dancers, contemporary dance community and the opportunity to have the work of exceptional choreographers linked to Santa Barbara. SUMMERDANCE is working to spread the publicity nationwide through both print and on-line advertising. Panel Comments: The committee appreciates this thoughtful collaboration and its marketing strategy for attracting a younger, urban audience through programming and use of online resources such as links to contemporary dance community through websites, dancers and contemporary dance blogs and publications. Ms. Vapnek’s connections to significant dancers and dance critics with national recognition and the Lobero’s booking and marketing resources are key to developing and expanding the profile for the event and attracting out-of-town visitors.

2009 – 2010 COMMUNITY EVENTS & FESTIVALS GRANT RECOMMENDATIONS

Grant #	Organization	Amt. Requested	Amt. Recommended
EF-14	The Santa Barbara Theater <i>A Festival of Classics</i>	\$40,000	\$11,500
<p>The Santa Barbara Theater (SBT) is a regional, professional theater company in residence at the Lobero Theater. They are requesting funds to market and promote <i>A Festival of Classics</i>; three plays presented during the off-season. The plays will be Peter Pan, Our Town, and Arms & the Man. Marketing will be both inside and outside of Santa Barbara via print, radio and TV, and websites. <u>Panel Comments:</u> Reducing the number of performances and selecting classics, is a good direction in the current economy. Listing on Zipper Arts is a wise strategy to reach LA Theatergoers, as is tracking audiences by Zip Code for efficient use of direct mail. Linking the performances to other community activities such as the Karpeles Manuscript display and the Pirate Cruise for Peter Pan should help build awareness and enthusiasm for the performances.</p>			
		Amt. Requested	Amt. Recommended
		\$296,500	\$ 132,000

2009-2010
City of Santa Barbara
Events and Festivals Grants

Attachment 4

EF#	Organization	Event	Dates	Location	Request	Recommended	2008-2009	2007-2008	2006-2007
EF-01	Arts & Lectures	<i>ArtAbounds 2009-2010 Season</i>	10/24/09- 04/28/10	Various venues	\$40,000	\$20,500	\$13,000	\$17,500	\$12,200
EF-02	Cinco de Mayo Festival	<i>Cinco de Mayo Festival</i>	May 1 - 2, 2010	De la Guerra Plaza	\$8,000	\$6,000	\$3,000	\$6,000	\$2,000
EF-02	Endowment for Youth Committee	<i>Black History Month Celebration</i>	Jan 25 - Mar 7, 2010	Various locations	\$8,000	\$7,000	\$5,500	New Applicant	NA
EF-04	Latino CineMedia Film Festival	<i>CineMedia Festival</i>	February 4 - 14, 2010	Varies	\$6,000	\$3,000	\$3,000	\$4,000	\$4,000
EF-05	Lobero Theatre Foundation	<i>Lobero Live</i>	Sept 22, 2009 - Apr 29, 2010	Lobero Theatre	\$40,000	\$20,500	\$20,000	\$24,000	\$26,000
EF-06	Opera Santa Barbara	<i>2010 OperaSB Mainstage Production</i>	May 7 - 9, 2010	Granada Theatre	\$17,500	\$14,500	\$16,000	\$18,000	\$21,000
EF-07	Rumble Art	<i>Rumble Art Festival</i>	February 4 - 14, 2010	Various venues	\$40,000	\$3,250	1st time applicant	NA	NA
EF-08	SB Botanic Garden	<i>Art in the Garden: A Herb Parker Environ.</i>	May 2009 - June 2011	SB Botanic Gardens	\$20,000	\$10,500	\$10,000	NA	NA
EF-09	SB Downtown Organization	<i>epicure.sb: a month to savor Santa Barbara</i>	October 2009	Various locations	\$20,000	\$12,000	\$4,000	\$5,500	\$5,300
EF-10	Santa Barbara Choral Society	<i>Sea Symphony at the Sea Festival</i>	April 24 - May 2, 2010	Various locations	\$32,000	\$8,500	Previously OD	NA	NA
EF-11	SB Revels	<i>The Christmas Revels: In Celebration of the Winter Solstice</i>	December 2009	Casa de la Guerra & MLT	\$15,500	\$8,000	\$5,000	\$4,000	NA
EF-12	SB Trust for Historic Preservation	<i>Founding Day Celebration</i>	April 17, 2010	El Presidio de Santa Barbara	\$4,500	\$2,250	\$2,000	\$2,000	\$3,500
EF-13	SUMMERDANCE Santa Barbara	<i>DANCEworks Residency</i>	March 29 - April 24, 2010	Lobero Theatre	\$5,000	\$4,500	\$4,000	New Applicant	NA
EF-14	SBT: The SB Theatre	<i>Festival of Classics: Peter Pan; Our Town; Arms & The Man</i>	Dec, Jan, Feb, Mar & May 2010	Lobero Theatre	<u>\$40,000</u>	<u>\$11,500</u>	\$0	\$12,400	NA
				Amount Requested	\$296,500	\$132,000			
				Amount in Grant Pool	\$123,000				
				One Time Carry-Over	\$9,000				
				Total Amount Available	\$132,000				
				Difference	(\$164,500)				

City Arts Advisory Roster and Community Events & Festivals Committee Roster

CITY ARTS ADVISORY ROSTER

<u>NAME</u>	<u>GRANT CATEGORY</u>
Darian Bleacher	Community Arts
Phyllis de Picciotto	Alternate
Suzanne Fairly Green	Organizational Development
Michael Humphrey	Organizational Development
Gail Pine	Community Arts
Tom Morey	Organizational Development
Judy Nilsen	Community Arts
Ginny Brush	Staff, Executive Director
Linda Gardy	Staff

COMMUNITY EVENTS & FESTIVAL ROSTER

<u>NAME</u>	<u>ATEGORY</u>	<u>APPOINTED</u>	<u>TERM ENDS</u>
Rebekah Altman	Public at Large	12/19/2006	12/31/2010
David Boire	Business/Lodging/Retail	12/16/2008	12/31/2011
Katrina Carl	Marketing Industry	12/18/2007	12/31/2011
Wayne Hewitt	Business/Lodging/Retail	12/16/2008	12/31/2011
Jason McCarthy	Lodging Industry	12/18/2007	12/31/2011
Roger Perry	Cultural Arts	12/19/2006	12/31/2010
Willie Shaw	Public at Large	07/01/2008	12/31/2010



PROCLAMATION

National Alcohol & Drug Addiction Recovery Month September 2009

WHEREAS, treatment and recovery improve the community's welfare and provide a renewed outlook on life for those who struggle with substance use disorders and for their family and friends; and

WHEREAS, 23.2 million people aged 12 or older in the United States needed treatment for a substance use disorder in 2007, and 5.4 million adults also suffered from a concurrent mental illness; and

WHEREAS, studies have indicated that 8.9 percent of people who made an effort to get treatment but did not receive it, were concerned that receiving treatment might cause neighbors or community members to have negative opinions of them. However, most say they would not have a negative opinion of a relative or friend in recovery from addiction; and

WHEREAS, resources exist online and in our community to increase people's awareness about how substance use disorders affect children, families, and our society; and

WHEREAS, such education is essential to overcoming misconceptions and achieving long-term recovery; and

WHEREAS, to help achieve this goal, Santa Barbara's Fighting Back, the Council on Alcoholism and Drug Abuse, Santa Barbara County Alcohol and Drug Program Providers, invite all residents of Santa Barbara to participate in National Alcohol and Drug Addiction Recovery Month in September;

NOW, THEREFORE, I, MARTY BLUM, by virtue of the authority vested in me as Mayor of the City of Santa Barbara, do hereby proclaim September 2009 as **NATIONAL ALCOHOLISM AND DRUG ADDICTION RECOVERY MONTH** and call upon the people of Santa Barbara to observe this month with appropriate programs, activities, and ceremonies supporting recovery in our community.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Official Seal of the City of Santa Barbara, California to be affixed this 15th day of September, 2009.


Marty Blum
MARTY BLUM, MAYOR



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Employee Recognition – Service Award Pins

RECOMMENDATION:

That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through September 30, 2009.

DISCUSSION:

Since 1980, the City Employees' Recognition Program has recognized length of City Service. Service award pins are presented to employees for every five years of service. Those employees achieving 25 years of service or more are eligible to receive their pins in front of the City Council.

Attached is a list of those employees who will be awarded pins for their service through September 30, 2009.

ATTACHMENT(S): September 2009 Service Awards

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

SEPTEMBER 2009 SERVICE AWARDS

September 15, 2009 Council Meeting

5 YEARS

John Martony, Payroll Supervisor, Finance
Elizabeth Scott, Parking Enforcement Officer, Police
Cheryle Pearson, Library Assistant I, Library
Frederick Fulmer, Streets Manager, Public Works

10 YEARS

Jeffrey Burns, Fire Engineer, Fire
Kell Hardin, Fire Engineer, Fire
Kevin Hokom, Fire Engineer, Fire
Justin Williams, Firefighter, Fire
Jose Delgado, Water Distribution Lead Operator, Public Works
Joaquin Ortega, Treatment Plant Technician, Public Works
Jose Rodriguez, Custodian, Airport

20 YEARS

Daniel Kato, Senior Planner II, Community Development
Timothy Gaasch, Supervising Engineer, Public Works

25 YEARS

Owen Thomas, Principal Engineer, Public Works

30 YEARS

Thomas Haines, Fire Captain, Fire



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

SPECIAL MEETING August 12, 2009 SANTA BARBARA MUNICIPAL GOLF COURSE 3500 MCCAWE AVENUE

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 5:40 p.m.

ROLL CALL

Councilmembers present: Grant House, Mayor Blum.

Councilmembers absent: Iya G. Falcone, Dale Francisco, Roger L. Horton, Helene Schneider, Das Williams.

Staff present: Assistant City Administrator Joan M. Kent.

Note: This meeting was a site visit made by the Creeks Committee. Since a quorum of the Council could have been in attendance, the meeting was noticed as a meeting of the City Council to comply with the Brown Act. While there was not a quorum of the Council in attendance, those who were present continued with the scheduled site visit.

PUBLIC COMMENT

No one wished to speak.

NOTICES

The City Clerk has on Thursday, August 6, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

SITE VISIT

Subject: Municipal Golf Course, 3500 McCaw Avenue

Recommendation: That Council participate in a site visit to the Santa Barbara Municipal Golf Course located at 3500 McCaw Avenue.

Documents:

Project Overview, Golf Club Safety Improvement Project and Upper Las Positas Creek Restoration and Storm Water Management Project.

Speakers:

Staff: Golf Manager Mark Reed, Creeks Planner George Thomson.

Discussion:

Staff conducted a tour of the Municipal Golf Course and described the two projects according to the project overview distributed to the participants.

ADJOURNMENT

Mayor Blum adjourned the meeting at 7:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____	ATTEST: _____
MARTY BLUM	SUSAN TSCHECH, CMC
MAYOR	DEPUTY CITY CLERK



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 18, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Ruth Wilson, Jack Wilson, David D. Diaz, Bob Hansen, Kate Smith, Mr. Pennington.

ITEM REMOVED FROM CONSENT CALENDAR

3. Subject: Rejection of Loma Alta Hill Sidewalk Project Bids (530.04)

Recommendation: That Council reject all bids for construction of the Loma Alta Hill Sidewalk Project (Project), and direct staff to re-bid the Project.

Documents:

August 18, 2009, report from the Public Works Director.

(Cont'd)

3. (Cont'd)

Speakers:

- Staff: City Administrator James Armstrong, Principal Engineer Joshua Haggmark.
- Lash Construction Inc.: Jim Lash.

Motion:

Councilmembers Schneider/Horton to declare the lowest bidder as non-responsive and award bid to the lowest responsive bidder, Lash Construction, Inc., including a 10% contingency for extra services that may be necessary; Contract No. 23,186.

Vote:

Unanimous voice vote.

CONSENT CALENDAR (Item Nos. 1, 2 and 4 - 6)

Motion:

Councilmembers Schneider/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous voice vote.

1. Subject: Contract For Construction Of The Santa Barbara Airport Water System Upgrade Project (560.04)

Recommendation: That Council:

- A. Award and authorize the Public Works Director to execute a contract with V. Lopez Jr. & Sons, Inc. (Lopez), in their low bid amount of \$310,488, for construction of the Santa Barbara Airport Water System Upgrade Project (Project), Bid No. 3581, and authorize the Public Works Director to approve expenditures up to \$31,500 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment, and authorize the Public Works Director to accept the final contract amount, with approved changes, and file all Notices of Completion with the County Clerk-Recorder's Office;
- B. Authorize the Public Works Director to execute a contract with Larry C. Falberg, Civil Engineer (Falberg), in the amount of \$24,000 for construction inspection, and authorize the Public Works Director to approve expenditures of up to \$2,400 for extra services of Falberg that may result from necessary changes in the scope of work; and

(Cont'd)

1. (Cont'd)

- C. Authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$16,090, for construction support services, including setting survey line and grade, answering Requests for Information, and reviewing product submittals, and authorize the General Services Manager to approve expenditures of up to \$2,000 for extra services of P&S that may result from necessary changes in the scope of work.

Action: Approved the recommendations; Contract Nos. 23,172 and 23,173 (August 18, 2009, report from the Public Works Director).

2. Subject: Contract For Construction Of The Marilla Avenue Sidewalk Infill Project (530.04)

Recommendation: That Council award and authorize the Public Works Director to execute a contract with Aguilera Brothers Construction, Inc. (Aguilera) in their low bid amount of \$105,045, for construction of the Marilla Avenue Sidewalk Infill Project (Project), Bid No. 3572, and authorize the Public Works Director to approve expenditures up to \$10,500 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment, and authorize the Public Works Director to accept the final contract amount, with approved changes, and to file all Notices of Completion with the County Clerk-Recorder's Office.

Action: Approved the recommendation; Contract No. 23,174 (August 18, 2009, report from the Public Works Director).

NOTICES

4. The City Clerk has on Thursday, August 13, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
5. Cancellation of the regular Redevelopment Agency meeting of August 18, 2009, due to a lack of business.
6. Received a letter of resignation from Creeks Committee Member George Weber; the vacancy will be part of the next advisory group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to discuss the Joint Participation Agreement for Cachuma Operation and Maintenance Board Bond Issuance relating to a variety of important and needed projects at Cachuma to help ensure the quality of our water supply. The Committee approved the recommendation, which will be presented to the Council in the near future.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to discuss amendments to Municipal Code Title 17 regarding Waterfront Policies. The Committee discussed amendments regarding vessel partnerships, impound and relocation of vessels, and anchoring vessels within a small strip of water. The Committee approved the amendments, which will be presented the Council for consideration in the near future.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ATTORNEY

7. Subject: Regulation of Aggressive Panhandling (520.04)

Recommendation: That the City Council introduce and subsequently adopt, reading by title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Nine of the Santa Barbara Municipal Code to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

Documents:

- August 18, 2009, report from the City Attorney.
- August 18, 2009, Proposed Ordinance.
- August 18, 2009, PowerPoint Presentation prepared and made by Staff.

The title of the Ordinance was read.

Speakers:

- Staff: City Attorney Stephen Wiley, Housing and Redevelopment Manager Brian Bosse, Community Development Programs Supervisor Sue Gray.
- Members of the Public: Mr. David T., Edmond Finucane, Bob Hansen, Daniel Knapp, Mr. Pennington, Terry Tyler.

Motion:

Councilmembers House/Francisco to approve the recommendation, including the uncodified provision in Section 2 of the ordinance.

(Cont'd)

7. (Cont'd)

Motion:

Councilmembers Williams/Falcone to approve the recommendation to include the following amendments to the ordinance:

- 1) Omit language that delays the implementation of the ordinance until the alternative giving campaign is in effect; and
- 2) Include language that suspends the ordinance at the end of the year if an alternative giving campaign is not in effect.

Vote:

Failed to carry by roll call vote (Ayes: Councilmembers Falcone, Horton, Williams; Noes: Councilmembers Francisco, House, Schneider, Mayor Blum.

Motion:

Councilmembers Schneider/Francisco to approve the recommendation.

Vote:

Majority roll call vote (Noes: Councilmember Horton).

RECESS

4:12 p.m. - 4:25 p.m. Councilmembers Falcone and Francisco were absent when the Council reconvened.

ADMINISTRATIVE SERVICES DEPARTMENT

9. Subject: Child Care And Work/Life Assessment Report

Recommendation: That Council receive a presentation from First 5 regarding the results of the "Child Care and Work/Life Needs Assessment Report."

Documents:

- August 18, 2009, report from the Administrative Services Director.
- August 18, 2009, PowerPoint presentation prepared and made by County of Santa Barbara Staff.
- Downtown Santa Barbara 2009 Child Care & Work/Life Needs Assessment Report, published by First 5 Santa Barbara County.
- City of Santa Barbara 2009 Child Care & Work/Life Needs Assessment Report, published by First 5 Santa Barbara County.
- Downtown Santa Barbara Employee Child Care Study, published by First 5 Santa Barbara County.

(Cont'd)

9. (Cont'd)

Speakers:

- Staff: Human Resources Manager Barbara Barker.
- County of Santa Barbara, First 5: Project Manager Holly Goldberg, Early Care & Education Division Manager Eileen Monahan.

Councilmembers Falcone and Francisco returned to the meeting at 4:31 p.m. and 4:34 p.m., respectively.

Councilmember Falcone left the meeting at 4:47 p.m. and returned at 4:59 p.m.

By consensus, the Council received the presentation.

PUBLIC WORKS DEPARTMENT

8. Subject: Capital Improvement Projects: Annual Report For Fiscal Year 2009 (230.01)

Recommendation: That Council receive the Capital Improvement Projects (CIP) Annual Report for Fiscal Year 2009.

Documents:

- August 18, 2009, report from the Public Works Director.
- August 18, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant Public Works Director/City Engineer Pat Kelly.

Councilmember Williams left the meeting at 5:17 p.m.

By consensus, the Council received the report.

RECESS

Mayor Blum recessed the meeting at 5:21 p.m. in order for the Council to reconvene in Closed Session for Agenda Item Nos. 10, 11 and 12. No reportable action is anticipated.

CLOSED SESSIONS

10. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Landslide Repair Foundation v. City of Santa Barbara, SBSC Number 1304297.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:22 p.m. - 5:33 p.m. (Absent: Councilmembers Falcone and Williams.)

No report made.

11. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is James Ryden, et al., v. City of Santa Barbara, et al., USDC Case Number: CV 09-1578 SVW (SSx).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:33 p.m. - 5:45 p.m. (Absent: Councilmembers Falcone and Williams.)

No report made.

12. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is City of Banning/Armenta v. James Jones Co., LASC BC321513.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

August 18, 2009, report from the City Attorney.

Time:

5:45 p.m. - 6:00 p.m. (Absent: Councilmembers Falcone and Williams.)

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 6:00 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING August 25, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

CEREMONIAL ITEMS

22. Subject: Proclamation Declaring September 2009 As Spinal Muscular Atrophy Awareness Month

Action: Proclamation presented to Bill, Victoria and Gwendolyn Strong.

PUBLIC COMMENT

Speakers: David Daniel Diaz; Gert Walter; Lee Moldaver; Britta Bartels; Sharon Byrne, West Downtown Neighborhood Group.

CONSENT CALENDAR (Item Nos. 1 - 14)

The titles of the ordinance and resolutions related to the Consent Calendar were read.

Motion:

Councilmembers Schneider/Horton to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the adjourned regular meeting of August 3, 2009, and the regular meetings of August 4, and August 11, 2009.

Action: Approved the recommendation.

2. Subject: July 2009 Investment Report (260.02)

Recommendation: That Council accept the July 2009 Investment Report.

Action: Approved the recommendation (August 25, 2009, report from the Finance Director).

3. Subject: Adoption Of Ordinance Regulating Aggressive Panhandling (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Nine of the Santa Barbara Municipal Code to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

Action: Approved the recommendation; Ordinance No. 5499.

4. Subject: Resolution Authorizing A Financial Assistance Agreement For A Grant Amount Of \$1,789,388 From The State Water Resources Control Board For Catch Basin Inlet Storm Drain Screens Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director or Designee to Apply, Negotiate and Execute a Financial Assistance Agreement, and Any Amendments Thereto, with the State Water Resources Control Board (SWRCB).

(Cont'd)

4. (Cont'd)

Action: Approved the recommendation; Resolution No. 09-071; Agreement No. 23,177 (August 25, 2009, report from the Parks and Recreation Director; proposed resolution).

5. Subject: Resolution Authorizing The Execution Of A Financial Assistance Agreement For A Grant Amount of \$1,652,197 From The State Water Resources Control Board For Upper Las Positas Creek Restoration And Storm Water Management Project (530.04)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director or Designee to Apply, Negotiate and Execute a Financial Assistance Agreement, and Any Amendments Thereto, with the State Water Resources Control Board (SWRCB).

Action: Approved the recommendation; Resolution No. 09-072; Agreement No. 23,178 (August 25, 2009, report from the Parks and Recreation Director; proposed resolution).

6. Subject: Contract For Design Of The Airline Terminal Improvement Project - Specialty Items (560.04)

Recommendation: That Council authorize the Public Works Director to execute a contract with Howard, Needles, Tammen & Bergendoff, California Architects, P. C. (HNTB), in the amount of \$216,904 for professional services for the Airline Terminal Improvement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$22,000 for extra services of HNTB that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,179 (August 25, 2009, report from the Public Works Director).

7. Subject: Professional Services Contract With HDR Engineering, Inc., For The Mission Creek Fish Passage Project At The Caltrans Channels Final Design Plans And Construction Specifications (530.03)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a professional services agreement with HDR Engineering, Inc., in the amount of \$511,600 to prepare final design plans and construction specifications for the Mission Creek Fish Passage Project at the Caltrans Channels; and

(Cont'd)

7. (Cont'd)

- B. Authorize the Parks and Recreation Director to increase these services by 10 percent, or \$51,160, to cover any cost increases that may result from final design review and construction requirements.

Action: Approved the recommendations; Agreement No. 23,180 (August 25, 2009, report from the Parks and Recreation Director).

8. Subject: Representative Services Agreement With Carpi & Clay, Inc., For The Waterfront Department (570.03)

Recommendation: That Council authorize the City Administrator to execute a Representative Services Agreement between the City of Santa Barbara and Carpi & Clay Inc., doing business as Carpi, Clay & Smith, for liaison and contact services with the United States Government regarding federal assistance to the City's waterfront, at a rate not to exceed \$1,500 per month, and in a total amount not to exceed \$36,000, for Fiscal Years 2010 and 2011

Action: Approved the recommendation; Agreement No. 23,181 (August 25, 2009, report from the Waterfront Director).

9. Subject: Renewal Of Agreement With Major League Softball (570.06)

Recommendation: That Council authorize the Parks and Recreation Director to execute an agreement with Major League Softball, Inc. (MLS), to perform adult softball league services.

Action: Approved the recommendation; Agreement No. 23,182 (August 25, 2009, report from the Parks and Recreation Director).

10. Subject: License Agreement With Commercial Fishermen Of Santa Barbara, Inc. (330.08)

Recommendation: That Council authorize the City's execution of a five-year license agreement between the City and Commercial Fishermen of Santa Barbara, Inc., for the berthing of commercial fishing boats on the north side of Cabrillo Landing in the Santa Barbara Harbor.

Action: Approved the recommendation; Agreement No. 23,183 (August 25, 2009, report from the Waterfront Director).

11. Subject: Increase In Change Order Authority For The Santa Barbara Airport Temporary Facilities And Site Preparation Contract (560.04)

Recommendation: That Council approve additional change order expenditure authority for the Santa Barbara Airport Temporary Facilities and Site Preparation Contract No. 23,004, in the amount of \$202,069, for a total change order expenditure authority of \$552,069.

Action: Approved the recommendation (August 25, 2009, report from the Waterfront Director).

12. Subject: Renewal Of Passenger Facility Charge Application (560.01)

Recommendation: That Council authorize staff to submit an "impose and use" Passenger Facility Charge (PFC) application, continuing the \$4.50 PFC fee, in the amount of \$19,945,000 to finance a portion of the debt service for the Airline Terminal Improvement Project.

Action: Approved the recommendation (August 25, 2009, report from the Airport Director).

NOTICES

13. The City Clerk has on Thursday, August 20, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
14. Cancellation of the regular City Council and Redevelopment Agency meetings of September 1, and September 8, 2009.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to discuss the July 2009 Investment Report; this item was approved by Council as part of this agenda's Consent Calendar (Item No. 2). The Committee also heard a report on the Fiscal Year 2009 Preliminary Year-End Results; this report will be presented to the Council as Agenda Item No. 17. He also mentioned that this was Finance Director Robert Peirson's last meeting and that the Committee expressed their gratitude for the support that Mr. Peirson provided to the Committee.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

15. Subject: New Sister City Of Kotor, Montenegro (130.03)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Providing for the Establishment of a Sister City Relationship with the City of Kotor, Montenegro.

Documents:

- August 25, 2009, report from the Assistant City Administrator.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: City Administrator's Office Supervisor Linda Gunther.
- Sister Cities Board: Chair Takako Wakita.
- Santa Barbara Kotor Sister City Committee: George Lilly.

Motion:

Councilmembers Horton/Falcone to approve the recommendation;
Resolution No. 09-073.

Vote:

Unanimous roll call vote.

FIRE DEPARTMENT

16. Subject: *StormReady* Community Designation (120.08)

Recommendation: That Council accept an award by the National Weather Service designating the City of Santa Barbara as "*StormReady*".

Documents:

August 25, 2009, report from the Interim Fire Chief.

Speakers:

- Staff: Emergency Services Manager Yolanda McGlinchey.
- National Weather Service: Eric Boldt, Working Coordination Meteorologist, and Mark Jackson, Meteorologist-In-Charge.

Action:

Mark Jackson presented a Certificate of Achievement to Yolanda McGlinchey, Emergency Services Manager.

FINANCE DEPARTMENT

17. Subject: Fiscal Year 2009 Preliminary Year-End Results (250.02)

Recommendation: That Council:

- A. Accept the Fiscal Year 2009 Interim Financial Statements for the Year Ended June 30, 2009; and
- B. Hear a report from staff on the General Fund's preliminary year-end results of operations and options for addressing the shortfall of revenues in relation to expenditures.

Documents:

August 25, 2009, report from the Finance Director.

Speakers:

Staff: Assistant Finance Director Robert Samario, City Administrator James Armstrong.

Motion:

Councilmembers Schneider/Falcone to approve the recommendations.

Vote:

Unanimous voice vote.

PUBLIC WORKS DEPARTMENT

Mayor Blum stated that she would step down from consideration of the following agenda item due to a conflict of interest related to her ownership of property within the vicinity of the subject area, and she left the meeting at 3:15 p.m. Mayor Pro Tempore Francisco presided over the meeting.

18. Subject: Contract For Construction Of Streetlight Improvements Project In Underground Utility District No. 10 Cliff Drive (530.07)

Recommendation: That Council:

- A. Find that, in accordance with City Charter Section 519, and as stated in this staff report, the City may dispense with the public bidding process for the Streetlight Improvements Project (Streetlight Project) in Underground Utility District No. 10 Cliff Drive;

(Cont'd)

18. (Cont'd)

- B. Award and authorize the Public Works Director to execute a contract with the successful bidder, Tidwell Excavation Acquisition Co, Inc. (Tidwell), in the amount of \$567,697.51, for construction of the Streetlight Project, City Bid No. 3569, and authorize the Public Works Director to approve expenditures up to \$56,700 to cover any cost increases that may result from contract change orders for extra work and differences between estimated quantities and actual quantities measured for payment, and authorize the Public Works Director to accept the final contract amount, with approved changes, and to file all Notices of Completion with the County Clerk-Recorder's Office;
- C. Authorize the Public Works Director and City Attorney to negotiate with Verizon California, Inc. (Verizon) and Cox Communications (Cox) to delete or reduce the private service lateral costs in the City's contract with Tidwell, in accordance with the California Public Utilities Code (CPUC) regulations, or other regulations and ordinances, as applicable;
- D. Authorize the General Services Manager to issue a Purchase Order to Facilities Management Specialists (FMS) in the amount of \$40,000 for construction support services, and authorize the General Services Manager to approve expenditures of up to \$4,000 for extra services of FMS that may result from necessary changes in the scope of work;
- E. Authorize the General Services Manager to issue a Purchase Order to Steve Friesen Utility Consultant in the amount of \$5,000 for construction support services; and
- F. Authorize the General Services Manager to issue a Purchase Order to Santa Barbara Electrical Design (SBED), in the amount of \$10,000 for design support services during construction.

Documents:

- August 25, 2009, report from the Public Works Director.
- August 25, 2009, PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Principal Engineer John Ewasiuk.

Motion:

Councilmembers Falcone/House to approve the recommendations;
Contract No. 23,184.

Vote:

Unanimous voice vote (Absent: Mayor Blum).

RECESS

3:44 p.m. - 3:54 p.m. Councilmember Horton was absent when the Council reconvened. Mayor Blum presided over the meeting.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

PUBLIC WORKS (CONT'D)

19. Subject: Gibraltar Pass-Through Agreement - Contract For Computer Modeling (540.09)

Recommendation: That Council authorize the Public Works Director to negotiate and execute a professional services agreement with Stetson Engineers for computer modeling services related to implementation of pass-through operations under the Upper Santa Ynez River Operations Agreement in a form approved by the City Attorney and in an amount not to exceed \$40,700.

Documents:

August 25, 2009, report from the Public Works Director.

Speakers:

Staff: Water Resources Manager Rebecca Bjork.

Councilmember Horton returned to the meeting at 3:56 p.m.

Motion:

Councilmembers House/Falcone to approve the recommendation; Agreement No. 23,185.

Vote:

Unanimous voice vote.

RECESS

Mayor Blum recessed the meeting at 3:59 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 20 and 21, and stated that no reportable action is anticipated.

CLOSED SESSIONS

20. Subject: Conference With Real Property Negotiators - Fremont Hall Army Reserve Center (330.03)

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Â§54956.8 to provide direction to the City Administrator and to the City Attorney regarding the possible City acquisition of the real property known as Fremont Hall Army Reserve Center. Property: 3237 State Street (APN 051-112-019). City Negotiators: City Attorney Stephen Wiley, Community Development Director Paul Casey, Parks and Recreation Director Nancy Rapp, City Administrator's Office Special Projects Manager Don Olson, and Assistant City Administrator Joan Kent. Negotiating Party: U.S. Army Representatives. Under Negotiation: Price, terms of payment, possible exchange terms.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Document:

August 25, 2009, report from the City Attorney.

Time:

4:02 p.m. - 4:30 p.m.

No report made.

21. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Citizens Planning Association v. Peak-Las Positas Partners, Mark Lee, Michael Bollag, et al., SBSC Case Number 1243174.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Document:

August 25, 2009, report from the City Attorney.

Time:

4:30 p.m. - 4:45 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:45 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____	ATTEST: _____
MARTY BLUM	BRENDA ALCAZAR, CMC
MAYOR	DEPUTY CITY CLERK

DALE FRANCISCO
MAYOR PRO TEMPORE



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 1, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

The regular meeting of the City Council, scheduled for 2:00 p.m. on September 1, 2009, was cancelled by the Council on November 18, 2008.

The next regular meeting of the City Council is scheduled for September 15, 2009, at 2:00 p.m. in the Council Chamber.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
MAYOR

ATTEST: _____
BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009
TO: Mayor and Councilmembers
FROM: Administration Division, Public Works Department
SUBJECT: Records Destruction For Public Works Department

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Public Works Department in the Administration, Facilities Maintenance, Transportation and Water Resources Divisions.

DISCUSSION:

The City Council adopted Resolution No. 07-066 on July 24, 2007, approving the City of Santa Barbara Records Management Policies and Procedures Manual (Manual). The Manual contains the records retention and disposition schedules for all City departments. The schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice.

Pursuant to the Manual, the Public Works Director submitted a request for records destruction to the City Clerk Services Manager to obtain written consent from the City Attorney. The City Clerk Services Manager agreed that the list of records proposed for destruction conformed to the retention and disposition schedules. The City Attorney has consented in writing to the destruction of the proposed records.

The Public Works Director requests the City Council to approve the destruction of Public Works Department records in the Administration, Facilities Maintenance, Transportation and Water Resources Divisions, listed on Exhibit A of the Resolution, without retaining a copy.

SUSTAINABILITY IMPACT:

Under the City's Sustainable Santa Barbara Program, one of the City's goals is to increase recycling efforts and divert waste from landfills. The Citywide Records Management Program outlines that records approved for destruction be recycled, reducing paper waste.

PREPARED BY: Micaela Hase, Administrative Assistant

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA RELATING TO THE DESTRUCTION OF
RECORDS HELD BY THE PUBLIC WORKS DEPARTMENT
IN THE ADMINISTRATION, FACILITIES MAINTENANCE,
TRANSPORTATION AND WATER RESOURCES
DIVISIONS

WHEREAS, the City Council adopted Resolution No. 07-066 on July 24, 2007, approving the City of Santa Barbara Records Management Policies and Procedures Manual;

WHEREAS, the City of Santa Barbara Records Management Policies and Procedures Manual contains the records retention and disposition schedules for all City departments. The records retention and disposition schedules are a comprehensive listing of records created or maintained by the City, the length of time each record should be retained, and the legal retention authority. If no legal retention authority is cited, the retention period is based on standard records management practice;

WHEREAS, Government Code section 34090 provides that, with the approval of the City Council and the written consent of the City Attorney, the head of a City department may destroy certain city records, documents, instruments, books or papers under the Department Head's charge, without making a copy, if the records are no longer needed;

WHEREAS, the Public Works Director submitted a request for the destruction of records held by the Public Works Department to the City Clerk Services Manager to obtain written consent from the City Attorney. A list of the records, documents, instruments, books or papers proposed for destruction is attached hereto as Exhibit A and shall hereafter be referred to collectively as the "Records";

WHEREAS, the Records do not include any records affecting title to real property or liens upon real property, court records, records required to be kept by statute, records less than two years old, video or audio recordings that are evidence in any claim or pending litigation, or the minutes, ordinances or resolutions of the City Council or any City board or commission;

WHEREAS, the City Clerk Services Manager agrees that the proposed destruction conforms to the City's retention and disposition schedules;

WHEREAS, the City Attorney consents to the destruction of the Records; and

WHEREAS, the City Council of the City of Santa Barbara finds and determines that the Records are no longer required and may be destroyed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA that the Public Works Director, or her designated representative, is authorized and directed to destroy the Records without retaining a copy.

PUBLIC WORKS DEPARTMENT – ADMINISTRATION, FACILITIES MAINTENANCE,
TRANSPORTATION AND WATER RESOURCES DIVISIONS

<u>Records Series</u>	<u>Date(s)</u>
ADMINISTRATION DIVISION	
<u>Motor Pool</u>	
Accounts Payable	Prior to 2007
Biennial Inspection of Terminals	All vehicles that were auctioned prior to 2002
Smog Records	All vehicles that were auctioned prior to 2002
Vehicle Records	All vehicles that were auctioned prior to 2002
FACILITIES MAINTENANCE DIVISION	
Project Files	Prior to 1999 completion
Street Light Petition Files	Prior to 2004
Work Order Reports	Prior to 2007
Work Orders	Prior to 2007
Custodial Maintenance Subject Files	Prior to 2004
Project Files (open)	Prior to 1999 completion
Radio Licensing Files	Prior to 2007 expiration
Site Project Files	Prior to 2007
Traffic Signal General Project	Prior to 2004
Traffic Signal Monthly Work Orders	Prior to 2007
Work Order Reports	Prior to 2007
TRANSPORTATION DIVISION	
<u>Downtown Parking</u>	
Billing Files	Prior to 2007
Location Files	Prior to 2007
Monthly Parking Program Information	Prior to 2007
Other Parking Program Files	Prior to 2007

EXHIBIT A

Parking Expansion North of Carrillo Project Files	Prior to 2007
Parking Supervisor Maintenance Files	Prior to 2004
Parking Supervisor Operation Files	Prior to 2007
Residential Parking Program Resident Information Sheets	Prior to 2007
Vendor History Files	Prior to 2007

Streets

Sidewalk Repair Files	Prior to 1999 completion
Street Files	Prior to 1999 completion
Street Maintenance Reports	Prior to 1999 completion
Street Work Reports	Prior to 1999 completion

Transportation Operations

Transportation and Parking Gen'l Files (Accidents in City Parking Lots)	Prior to 2005
Transportation Operations Files (Traffic Signal Studies)	Prior to 2004

WATER RESOURCES DIVISION

Water Distribution/Wastewater Collection

Backflow Device Files	Prior to 2003
Fire Hydrant and Wastewater Meter Files	Prior to 2007
Vehicle Inspection Sheets	Retired Vehicles Prior to 2008
Vehicle Maintenance Slips	Retired Vehicles Prior to 2008
Wastewater Incident Reports	Prior to 1989
Water Incident Reports	Prior to 1989

Wastewater

Wastewater Metal Files	Prior to 2004
Air Pollution Control District/EPA/Tri-Counties Files	Prior to 2004

Water Treatment

Safety Meeting Minutes	Prior to 2006
------------------------	---------------

EXHIBIT A

Water Supply Management

Meter Test Reports

Prior to 2003

Water Checkup Reports

Prior to 2004



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Administrative Division, Waterfront Department

SUBJECT: Mooring Regulations In The Harbor District

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Rules and Regulations for Issuing Mooring Permits in the City of Santa Barbara Mooring Area, Setting Minimum Specifications for Installing, Inspecting, and Repairing Such Moorings, and Repealing Resolution No. 06-027.

BACKGROUND:

In April 2006, City Council adopted an ordinance and associated resolutions providing important tools to reduce environmental, fiscal and public safety impacts from beached or sunken vessels east of Stearns Wharf. Included among those tools was establishment of the City-permitted and regulated East Beach Mooring Area. Resolution 06-027, also adopted, provided a framework for issuing mooring permits and deploying and inspecting the moorings.

DISCUSSION:

Currently, East Beach Mooring Permittees are required to renew their permits annually and have a City-approved mooring inspector conduct annual maintenance and repair on their moorings. Although staff presses for timely collection of the \$250 annual permit fee, it has experienced difficulty gaining timely compliance with annual mooring inspections, due to tardiness on permittees' behalf, inclement weather and sea-conditions at various times of the year (especially winter), and variability in inspectors' busy schedules. In February 2009, staff met with several mooring inspectors and it was jointly agreed that establishing a "window" for annual inspections into the late summer (pre-winter) months of August and September would benefit inspectors, permittees and Waterfront administrative staff alike. The draft resolution reflects that change.

The draft resolution also removes language permitting the initial establishment of a specified list of City-certified contractors, which was completed in 2006. The list is now managed in an ongoing fashion by Waterfront Department staff and is amended as necessary.

CONCLUSION:

By taking the recommended actions, Council would allow mooring permittees and inspectors to better plan for the inspections during times of generally good weather (late summer/early fall) instead of enduring delays and completing inspections at random times throughout the year. In addition, staff could plan to review inspection results during the same time frame, reducing ongoing administrative impacts currently faced throughout the year.

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ESTABLISHING RULES AND
REGULATIONS FOR ISSUING MOORING PERMITS IN
THE CITY OF SANTA BARBARA MOORING AREA,
SETTING MINIMUM SPECIFICATIONS FOR INSTALLING,
INSPECTING, AND REPAIRING SUCH MOORINGS, AND
REPEALING RESOLUTION NO. 06-027

WHEREAS, the Santa Barbara Mooring Area is established in Santa Barbara Municipal Code Chapter 17.20;

WHEREAS, the Santa Barbara Mooring Area, as established in Santa Barbara Municipal Code Chapter 17.20, requires that all vessels moored within the area possess mooring permits;

WHEREAS, the rules and regulations for Mooring Permits issued for Mooring Sites within the Santa Barbara Mooring Area are set forth herein;

WHEREAS, pursuant to SBMC Chapter 17.20 mooring permits for available Mooring Sites within the Santa Barbara Mooring Area are issued by the Waterfront Department pursuant to a lottery process;

WHEREAS, the City procedure for conducting the mooring lotteries and assigning Mooring Permits are set forth herein;

WHEREAS, in order to implement the Santa Barbara Mooring Area procedures and policies including the intent to protect the natural environment of the Mooring Area and assets of the City and to ensure safe navigation, minimum Ground Tackle Specifications are appropriate;

WHEREAS, the issuance and renewal of Mooring permits to individuals for Moorings in the Santa Barbara Mooring Area requires the adherence to rules and regulations for installing, inspecting and repairing Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 of the Santa Barbara Municipal Code describes requirements for installation, inspection and repair of Moorings in the Santa Barbara Mooring Area;

WHEREAS, SBMC Section 17.20.255 declares that the installation, inspection, and repair of Moorings in the Santa Barbara Mooring Area shall be conducted only by contractors on the City Approved Mooring Inspectors List; and

WHEREAS, the Waterfront Director may, from time to time, amend the list of City Approved Mooring Inspectors to facilitate fair, orderly and equitable administration of the Santa Barbara Mooring Area;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

Section 1. Establishing Rules and Regulations for Mooring Permits in the Santa Barbara Mooring Area.

A. LOTTERY FOR THE OFFER OF MOORING PERMITS IN THE SANTA BARBARA MOORING AREA

Mooring Permits in the Santa Barbara Mooring Area shall be allocated to applicants by lottery according to rankings created pursuant to the following procedures. Mooring Permits (except for Special Activity Mooring Permits issued by the Waterfront Director) in the Santa Barbara Mooring Area shall be offered for assignment as established herein. The Waterfront Director shall assign Mooring Sites to ranked Lottery applicants, taking into consideration size and type (power or sail) of the vessel, as well as any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area.

1. Lottery Participation Request. To participate in a lottery for assignment of a Mooring Permit in the Santa Barbara Mooring Area, an applicant must submit a completed Lottery Participation Request form to the Waterfront Department. Lottery Participation Request forms shall be submitted to and received by the Waterfront Department within a designated time period that shall conclude no later than two (2) weeks prior to the Harbor Commission hearing scheduled for the lottery drawing. The opening date and duration of the time period for submission of Lottery Participation Requests to the Waterfront Department shall be publicly noticed and shall be posted at the Waterfront Department. During this time period, Lottery Participation Request forms may be obtained from the Waterfront Department during normal business hours. An individual may submit only one Lottery Participation Request. At the conclusion of the time period for accepting Lottery Participation Requests, the Waterfront Department shall place all completed Lottery Participation Requests in a sealed folder ("Request Folder").

2. Lottery Formation. A lottery shall be conducted by a drawing of Lottery Participation Requests from the Request Folder by the Harbor Commission Chair during a scheduled public hearing. At the hearing, the Harbor Commission Chair shall draw, by lot, and rank all Lottery Participation Requests for the purpose of assigning Mooring Sites in the Santa Barbara Mooring Area.

3. Lottery Ranking. The Commission Chair shall rank the Lottery Participation Requests according to the order in which each Lottery Participation Request is drawn from the Request Folder. The first applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number one. The second applicant whose Lottery Participation Request is drawn from the Request Folder shall be ranked number two and so on until all Lottery Participation Requests are ranked. The Waterfront Director shall mail to each participant a notice of each

participant's ranking and a description of the number and size of available Mooring Sites intended for assignment from that lottery.

4. Application. The Waterfront Director shall mail a Mooring Permit Application and a copy of the Minimum Ground Tackle Specifications to prospective Mooring Permittees whose lottery ranking corresponds to assignment opportunities in the Santa Barbara Mooring Area. The Mooring Permit Application shall be returned to the Waterfront Department within fourteen (14) days of the date that the Waterfront Director mails notification of Mooring Site availability. A complete application for a Mooring Permit shall contain, in addition to other information as may be requested by the Waterfront Department, a general description of the size and type of vessel proposed to occupy a Mooring Site in the Santa Barbara Mooring Area. Should an applicant fail to timely submit a completed application or fail to perform obligations necessary to secure an approved Mooring Permit, the next highest ranking Lottery Participant shall be mailed notice of an offer for Mooring Site assignment. This process shall continue until available Mooring Permits are assigned and approved by the Waterfront Director, or all Lottery Participation Requests from that lottery have been exhausted. Should the number of Lottery Participation Requests exceed the number of Mooring Permits assigned, the excess Lottery Participation Requests not offered assignment shall be discarded.

5. Grandfather Lottery. An initial lottery, held pursuant to procedures outlined in this section, shall be restricted to individuals who, according to Waterfront Department records, utilized the East Beach anchorage, including establishing presence of a vessel, during a designated window period of November 2, 2005 through March 1, 2006. In addition, any individual holding a valid, approved, non-discontinued U.S. Coast Guard Private Aids to Navigation permit for establishment of a mooring buoy East of Stearns Wharf as of April 19, 2006 shall be included in the Grandfather Lottery. To be eligible under this provision, the permittee must provide proof of a valid U.S. Coast Guard Private Aids to Navigation Permit to the Waterfront Director no later than 5:00 p.m. on May 15, 2006. If the total number of Mooring Permits assigned from the Grandfather Lottery equals thirty (30) or fewer, a subsequent lottery will be held pursuant to procedures outlined in this Resolution.

6. Subsequent Lottery. Anytime the total number of Mooring Permits assigned in the Santa Barbara Mooring Area declines to thirty (30) or fewer, a lottery shall be held following procedures established herein. These subsequent lotteries shall be open to the general public. Such lotteries shall be conducted at the discretion of the Waterfront Director and no more frequently than one year apart.

B. OFFER, ACCEPTANCE AND RENEWAL OF MOORING PERMITS

1. General. A permit to moor a vessel in the Santa Barbara Mooring Area shall be offered, in order, to each individual ranked during the lottery process described herein, within 30 days of the Lottery, up to a total number of offers determined by the Waterfront Director.

2. Permit Offers. Mooring Permit offers shall be sent by U.S. Certified Mail, to the individual's address indicated on the Lottery Participation Request form. The individual offered a Mooring Permit shall have 14 calendar days from the date of mailing to respond in person or by mail by returning a completed application indicating their intention to accept or decline the offer. Late postmarks shall not be accepted.

3. Accepted Offers. If an offer is accepted, the prospective mooring permittee shall have 90 days to place a vessel of approved size on the Mooring Site, provide vessel ownership documentation consisting of applicable Department of Motor Vehicle registration or Coast Guard documentation, pay all fees due, and prove compliance with Minimum Ground Tackle Specifications as established by City Council Resolution.

4. Declined Offers. If an offer is declined or not returned to the Waterfront Department in a timely fashion, that individual's name shall be removed from consideration for assignment in that lottery.

5. Permit Duration. Permits shall be offered for a period of one year from the date of issuance.

6. Permit renewal. Permits may be renewed annually, dependent upon compliance with all Mooring Permit Rules and Regulations and the Minimum Ground Tackle Specifications. Failure to meet these requirements is grounds for permit termination as described herein.

7. Non-Transferable. Mooring Permits are not transferable or inheritable.

C. ISSUANCE OF MOORING PERMIT.

1. Issuance. Mooring Permits issued by the Waterfront Director shall be issued for designated Mooring Sites. The Waterfront Director shall have full and absolute discretion to designate Mooring Sites to Permittees. The Waterfront Director may base a determination regarding the designation of Mooring Sites on criteria including size and type of vessel (power or sail), and any other information or vessel specifications pertinent to the assignment and the overall orderliness and safety of the Santa Barbara Mooring Area. Mooring Permits may be issued upon satisfactory completion of the Mooring installation by the City Approved Mooring Inspector.

2. Relocation. The Waterfront Director may relocate vessels to other Mooring Sites within the Santa Barbara Mooring Area in the interest of safety, space limitations, traffic, and reduction of risk due to fire, sinking, breakaway or collision. The Waterfront Department shall pay the reasonable costs to relocate a vessel and Mooring to an alternate Mooring Site if such relocation is required by the Waterfront Director. If such relocation is made at the request of a Permittee, the Permittee shall bear all Mooring and vessel relocation costs.

3. Mooring Permits Shall be Issued for Identified vessels only as follows:

a. Mooring Permit shall be issued only for a specifically designated vessel owned by the Mooring Permittee. Proof of ownership of the designated vessel must be supplied to the Waterfront Director at the time of Mooring Permit assignment and annually thereafter at each Mooring Permit renewal in the form of a current California Department of Motor Vehicles Registration or United States Coast Guard Document.

b. If a vessel designated on a Mooring Permit is sold, destroyed or ruined by accident, damage, fire, sinking or other casualty, the Mooring Permittee may be allowed to place a replacement vessel owned by the Mooring Permittee, as such ownership is demonstrated as required herein, in the Mooring Site. Such replacement vessel shall comply with size restrictions determined by the Waterfront Director as appropriate for vessels assigned to the Mooring Site receiving the replacement vessel. Upon approval by the Waterfront Director, a Mooring Permit describing the replacement vessel shall be issued for the remaining term of the existing Mooring Permit. If an approved replacement vessel is not procured within ninety (90) days of the date that the designated vessel is removed from the Mooring Site, either by sale or casualty, the Mooring Permit shall terminate as provided herein.

4. Vessel Size.

a. All designated vessels assigned to a Mooring Site shall be a minimum of twenty (20) feet in length without bow sprit, bumpkin, pulpit, swimstep or other such appurtenance.

b. No Dinghy assigned to the Mooring Site shall exceed thirteen (13) feet without express permission of the Waterfront Director.

D. TERMINATION OF MOORING PERMIT.

1. Either party may terminate the Mooring Permit for any reason by giving thirty (30) days prior written notice to the other party.

2. The Mooring Permit may be terminated by the Waterfront Director without prior notice to the Permittee upon the occurrence of one or more of the events described below:

a. failure to pay when due Mooring Permit fees. No termination shall occur for this reason unless the fee is thirty (30) days past due;

b. failure to meet the Minimum Ground Tackle Specifications upon installation or annual inspection, or failure to complete required corrections;

c. failure to submit to the Waterfront Director a timely Mooring Inspection Report;

d. failure to maintain a vessel assigned to a Mooring Site in an Operable condition;

e. failure to maintain the Mooring in a manner that is not detrimental to the use, operation or development of the waters of the City of Santa Barbara or does not pose a hazard to navigation;

f. failure or refusal of the Mooring Permittee to allow an inspection of the vessel, Mooring, or both to determine if the vessel is Operable or the Mooring meets the Minimum Ground Tackle Specifications;

g. rental, lease, sublease, or loan of a Mooring Site;

h. failure or refusal to relocate a Mooring, vessel, or both back to an appropriate Mooring Site within three (3) days of notification by the Waterfront Director that the vessel, Mooring, or both have migrated off station;

i. use of the Mooring Site for commercial purposes, unless approved by the Waterfront Director;

j. violation of any condition of the Mooring Permit, any provision of Title 17 of the Santa Barbara Municipal Code or any resolution adopted by the City Council.

3. Removal of Mooring and vessel from Mooring Site.

a. Termination under section D 1. Upon termination of a Mooring Permit due to a termination under Section D 1 or expiration of the permit, it shall be the duty of the Permittee to remove all Ground Tackle and the moored vessel within ten (10) days from the date the Mooring Permit terminates or expires. If the Mooring is not removed within this time, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within ten (10) days from the date the Mooring Permit terminates or expires shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

b. Termination under section D 2. The Waterfront Director shall notify the Mooring Permittee of the Mooring Permit termination by any reasonable means available and the Permittee shall remove the vessel and the Mooring from the Mooring Site within three (3) days of the Waterfront Director's notification. If the Mooring and/or vessel are not removed within this time, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from

the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within three (3) days from the date the Mooring Permit terminates shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

E. MOORING POSITION

1. Vessel Securely Moored. Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site.

2. Migration of Vessel or Mooring. Any vessel or Mooring that migrates off station shall be relocated to the Mooring Site within three (3) days of the date that the Mooring Permittee is notified by the Waterfront Director that the vessel or Mooring has migrated. The relocation of the Mooring shall be undertaken only by a City Approved Mooring Inspector. Costs of relocating a Mooring, vessel, or both, that has migrated off station from a Mooring Site shall be borne in full by the Mooring Permittee.

Section 2. City Approved Mooring Inspectors. City Approved Mooring Inspector. The Waterfront Department shall maintain a list of inspectors who are approved to install, inspect and repair Moorings in the Santa Barbara Mooring Area. Mooring Permittees may select only those inspectors on the list of City Approved Mooring Inspectors to perform Mooring installations, inspections and repairs.

~~1. The Waterfront Director has, through a Request for Qualifications process, established an initial list of City Approved Mooring Inspectors~~

~~2. The initial list of City Approved Mooring Inspectors includes:~~

~~a. Castagnola Tug Service, Inc.;~~
~~a. Salty Dog Dive Service; and~~
~~b. Channel Islands Diving~~

Section 3. Minimum Ground Tackle Specifications.

1. Ground Tackle Specifications. All Moorings permitted and installed in the Santa Barbara Mooring Area shall comply with Minimum Ground Tackle Specifications attached hereto in Attachment A and incorporated herein by this reference.

2. Mooring Installation. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to install Moorings in the Santa Barbara Mooring Area. The installation shall be at the Mooring Permittee's sole cost and expense. The Mooring ~~Permittee-Inspector~~ shall submit written specifications of the Mooring installation on a City-supplied Mooring Inspection Report within ten (10) days of the installation.

3. Mooring Inspection. An inspector selected from the City Approved Mooring Inspector list shall be the only entity approved to inspect Moorings in the Santa Barbara Mooring Area. Moorings shall be inspected upon installation at the Mooring Site and, except as provided below, annually thereafter in August or September on the anniversary date of the issuance of the Mooring Permit (or more frequently at the Mooring Permittee's option) to confirm continued compliance with City-approved Minimum Ground Tackle Specifications, described in Attachment A with the following exception. Any mooring initially deployed in May, June or July may delay its next annual subsequent inspection after deployment until August or September of the following year.

All inspections shall be at the Mooring Permittee's sole cost and expense. The Mooring ~~Permittee-Inspector~~ shall submit written results of the inspection on a Mooring Inspection Report within ten (10) days of completion of the inspection.

4. Mooring Repairs. Any and all repairs recommended in the Mooring Inspection Report shall be completed by the City Approved Mooring Inspector at the Mooring Permittee's sole cost and expense and verified by the Mooring Inspector by the time the Mooring Inspection Report is submitted to the Waterfront Director. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed and the Mooring Inspection Report is not submitted within ten (10) days of the inspection and subsequently approved by the Waterfront Director.

5. Additional Inspection at Request of Waterfront Director. The Waterfront Director may require additional inspections of a Mooring anytime she or he deems such inspection necessary to assess the Mooring's compliance with the Minimum Ground Tackle Specifications. If following an inspection by a City Approved Mooring Inspector, the Mooring is deemed compliant with Minimum Ground Tackle Specifications described in Attachment A, costs for said inspection shall be paid by the City. If the Mooring is deemed non-compliant, all costs for raising, inspecting, repairing and re-installing the Mooring as described and required herein shall be paid by the Mooring Permittee. All repairs necessitated by the inspection, as described in a Mooring Inspection Report, shall be undertaken within the time set forth herein. The Mooring Permit shall terminate if repairs recommended in the Mooring Inspection Report are not completed within the time set forth herein.

6. Mooring Inspections; Method. All Mooring inspections shall be conducted by raising the Mooring and inspecting its entirety out of the water unless another method is approved by the Waterfront Director.

7. Minimum Ground Tackle Specifications. The Minimum Ground Tackle Specifications described in Attachment A may be amended from time to time by the Waterfront Director.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Operations Division, Waterfront Department

SUBJECT: Introduction Of Ordinance Amending Municipal Code Title 17 Regarding Waterfront Policies

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title 17 Sections 17.20.005, 17.20.220, and 17.20.265 Pertaining to Operations at the Waterfront.

EXECUTIVE SUMMARY:

Department staff annually reviews Title 17 of the Santa Barbara Municipal Code to ensure that it accurately and adequately describes policies and procedures utilized to administer Waterfront affairs and provides the legal framework for doing so. Staff works with the City Attorney's Office to identify Title 17 Sections they believe should be added, deleted or amended. This report identifies three substantive amendments proposed for Title 17. Proposed revisions also clarify minor items. Harbor Commission reviewed the proposed Title 17 changes on May 21, 2009, voting unanimously to forward them to City Council for adoption.

DISCUSSION:

- 1. Vessel Partnerships.** The Department has long required that slip permits be issued to individuals. Vessels assigned to slips may, however, be owned by many different types of entities. In recent years, an increasing number of vessels are owned by complex partnership, trust and corporate structures. Municipal Code Section 17.20.005 (B) 2 (b) was previously revised to require that if an entity, and not an individual, owned a vessel, the entity was obligated to demonstrate that the named slip permittee also had the authority to legally bind the vessel's ownership entity.

The vessel's ownership entity was not required to notify the Department when a change in the make-up of the ownership entity occurred. To correct this situation so that the Department is notified when a change in the ownership structure occurs, language has been added to Section 17.20.005 (D) 1 requiring that vessel owners notify the Department when a sale or transfer of an interest in a vessel occurs. With

this notification, the Department will be able to ensure that the proper legal connection between vessel owners and slip permittees exists and, for administrative purposes, to accurately match vessel owners to slip permittees.

Formerly, vessel owners were only required to notify the Department about an ownership change when the change precipitated a slip transfer. The new language will require notification to the Department whether a slip transfer is triggered by the change or not.

2. Impound and Relocation of Vessels. MC 17.20.220 (A) allows the Waterfront Director to impound and relocate an illegally moored, docked or berthed vessel to any location in the Harbor District (City Waters). Finding suitable locations to store impounded vessels, especially those vessels removed from the water, has proven difficult as the storage can impede normal harbor operations by taking up space at vital facilities like the Waterfront Maintenance Yard. In addition, staff has encountered persistent problems with owners of impounded vessels illegally accessing vessels stored in the Harbor District. Proposed language would allow the Waterfront Director the discretion to store an impounded vessel at a location of his/her choosing. This would alleviate operational impediments and illegal access problems described above until all legal and financial issues related to the impound and storage of the vessel are resolved and the vessel is returned to its owner. The draft Ordinance also includes language affording the owner of an impounded vessel the opportunity to request and receive a hearing to determine the validity of the impound.

3. Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage. MC 17.20.265 A (2) prohibits anchoring in Harbor District waters that lie outside the boundaries of the Seasonal and Year-Round anchorages between sunset and sunrise. The purpose of this prohibition is safety and environmental concerns from vessels anchoring or drifting outside designated anchorage areas. Because this provision does not specifically address the 300' strip of water between the western boundary of the Seasonal Anchorage and Stearns Wharf during daylight hours (posing threats to the Wharf and Mission Creek), a new provision has been added to prohibit anchoring in this area during any time of day or night, without prior permission of the Waterfront Director.

CONCLUSION

Adoption of the proposed Title 17 amendments will help clarify the Code in ways consistent with its intent and with the fair and comprehensive administration of Waterfront affairs. On August 18, 2009, the Ordinance Committee approved the proposed changes and recommended the draft ordinance be forwarded to City Council for introduction and adoption.

PREPARED BY: Mick Kronman, Harbor Operations Manager

SUBMITTED BY: John N. Bridley, Waterfront Director

APPROVED BY: City Administrator's Office

ORDINANCE INTRODUCTION DRAFT
SEPTEMBER 15, 2009
SHOWING CHANGES FROM EXISTING CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING TITLE 17 SECTIONS
17.20.005, 17.20.220, AND 17.20.265
PERTAINING TO OPERATIONS AT THE WATERFRONT

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.20.005 D, Section 17.20.005 E, Section 17.20.220 and Section 17.20.265 of Title 17 of the Santa Barbara Municipal Code are amended to read as follows:

17.20.005 Slip Assignment Policy.

D. TRANSFER OF SLIP PERMITS.

1. Procedure. The permittee of a Slip may transfer the Slip Permit to ~~the~~ a new or changed vessel owner upon the sale or transfer of an equity ownership interest in ~~of~~ a vessel if all the following conditions are met:

a. A written application for the transfer of a Slip Permit is filed within fifteen (15) days after the sale or transfer of the equity ownership interest in ~~of~~ the vessel.

b. The slip permittee shall notify the Waterfront Department in writing within fifteen days of the sale or transfer of an equity ownership interest, whether in whole or in part, of a vessel to an individual, entity, non-profit or governmental agency and specify if the Slip Permit is to be transferred or retained by the permittee.

c. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of Section

17.20.005.B.2 within fifteen (15) days of any change, in whole or in part, in the equity ownership of the vessel.

d. The Transfer Fee or waiting list Transfer Fee and all other fees and deposits are paid in full within fifteen (15) days after the sale or transfer of interest, in whole or in part, of the vessel.

ee. The owner must bring an Operable vessel to the Administration Dock for verification of length. If the vessel is not operable, the Waterfront Director may waive these requirements for not more than ninety (90) days for the purpose of repair.

~~d. The slip permittee shall notify the Waterfront Department in writing within fifteen days upon the sale of his/her vessel and specify if the Slip Permit is to be transferred or retained by the permittee.~~

~~e. Every permittee must supply proof of ownership of a permitted vessel pursuant to the requirements of Section 17.20.005.B.2.~~

f. A slip permittee must be in good standing with the Waterfront Department at the time that the Slip Permit transfer application is submitted to the Waterfront Department. A slip permittee is in good standing with the Waterfront Department if, at the time of submittal of the Slip Permit transfer application, both of the following are true and correct: (i) all fees or charges owed to the Waterfront Department by the slip permittee have been paid in full and, (ii) the Waterfront Department has not issued a written notice to terminate the Slip Permit, whether

such notice of termination has been received by the slip permittee or not.

2. Death of Slip Permittee.

a. Death of Sole Slip Permittee.

(1) **No Transfer of Slip Permit After Death.** No Slip Permit may be transferred after the death of a sole slip permittee.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee shall notify the Waterfront Department in writing of the death. If such notification is not received by the Waterfront Department within thirty (30) days of the date shown on the death certificate as the date of death, the Slip Permit shall be deemed to be terminated sixty (60) days after such date. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director, and the administrator or executor of the estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) **Removal of Vessel.** If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department, the estate of the deceased slip permittee may have a period of time not exceeding one hundred and twenty

(120) days after the date established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the estate during this period.

b. Death of Slip Permittee with Spouse or Registered Domestic Partner at Time of Death.

(1) **Assignment of Slip Permit After Death.** Subject to compliance with the requirements below, a Slip Permit may be assigned to the surviving spouse or domestic partner (registered with the City Clerk in accordance with Chapter 9.135 of the Santa Barbara Municipal Code) of a slip permittee after the death of the slip permittee.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, the administrator or executor of the estate of the slip permittee or the slip permittee's surviving spouse or registered domestic partner shall notify the Waterfront Department in writing of the death of the slip permittee. The notification to the Waterfront Department shall also state whether the spouse or legally registered domestic partner seeks assignment of the Slip Permit.

Assignment of the Slip Permit to the surviving spouse or registered domestic partner will be approved by the Waterfront Director only if (i) the surviving spouse or registered domestic partner can satisfactorily demonstrate an equity ownership interest in the vessel as provided in Section 17.20.005.B herein, and (ii) either proof of marriage to the slip permittee at the

time of the slip permittee's death is provided to the Waterfront Department or proof of registration on the domestic partnership list as the slip permittee's domestic partner at the time of the slip permittee's death is provided to the Waterfront Department. If notification is not received by the Waterfront Department within thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, or the surviving spouse or legally registered domestic partner does not qualify for assignment of the Slip Permit, the Slip Permit shall be deemed to be terminated sixty (60) days after the date established on the death certificate as the date of death of the slip permittee. Upon termination of the Slip Permit, permission to berth shall be denied by the Waterfront Director and the surviving spouse, registered domestic partner or estate of the deceased slip permittee shall remove the vessel from the Harbor District immediately. Failure to immediately remove the vessel from the Harbor may, at the option of the Waterfront Director, result in the assessment of visitor fees at the visitor fee rate then in effect.

(3) Removal of Vessel. If notification of death as required in Section 17.20.005.D.2 herein is received by the Waterfront Department and the slip permittee's surviving spouse or registered domestic partner does not seek assignment of the Slip Permit, or does not qualify for assignment as provided herein, the estate of the deceased slip permittee, surviving spouse or registered domestic partner shall have a period of time not exceeding one hundred and twenty (120) days after the date

established on the death certificate as the date of death of the slip permittee to remove the vessel from the Slip. All regular Slip Fees are due and payable by the surviving spouse, registered domestic partner or estate of the deceased slip permittee during this period.

c. Death of Slip Permittee with Multiple Slip Permit Partners.

(1) **Slip Permit Remains Valid.** Upon the death of one of the slip permittee partners, subject to compliance with the requirements herein, a Slip Permit held by multiple Slip Permit partners remains valid in the names of the remaining Slip Permit partners.

(2) **Notification of Death.** Not later than thirty (30) days after the date established on the death certificate as the date of death of the slip permittee, either the administrator or executor of the estate of the deceased slip permittee or the deceased slip permittee's surviving spouse or registered domestic partner or one of the remaining Slip Permit partners shall notify the Waterfront Department in writing of the death of the slip permittee. Such notification shall also state whether the spouse or registered domestic partner seeks assignment of the Slip Permit in the deceased slip permittee's partnership position or not. To become a Slip Permit partner, the surviving spouse or registered domestic partner must satisfy the requirements set forth in Section 17.20.005.D.2 b(2).

~~E. PARTNERSHIPS.~~

~~1. Notification. The Waterfront Department need not be~~

~~notified of partnership agreements in vessels unless the original permittee requests to include the partner(s) on the slip permit. In the event of addition of a name to a slip permit, a slip transfer fee or waiting list transfer fee will be assessed.~~

~~2. Proof. Proof of vessel partnership in the form of a State vessel registration, Federal documentation or a notarized bill of sale will be required before a slip permit is issued. If proof of vessel ownership is a notarized bill of sale, final registration documents must be provided to the Waterfront Department within ninety (90) days of the submittal of the application to transfer the slip permit.~~

17.20.220 Impound and Relocation of Vessels.

A. IMPOUND AND RELOCATION OF VESSELS BERTHED, DOCKED, MOORED OR ANCHORED IN THE HARBOR DISTRICT IN VIOLATION OF THE SANTA BARBARA MUNICIPAL CODE ~~WITHOUT WATERFRONT DIRECTOR PERMISSION~~. A vessel berthed, docked, moored or anchored in the Harbor District ~~without Waterfront Director permission~~ in violation of the Santa Barbara Municipal Code may be impounded in its location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and ~~impounded~~ stored in another location ~~area in the Harbor District~~ designated by the Waterfront Director.

B. IMPOUND AND RELOCATION OF VESSELS FOR DELINQUENT FEES. A vessel whose owner is delinquent on the payment of Slip or other fees to the Waterfront Department may be impounded in its

location, including a dock, pier, slip, wharf or open ocean of the Harbor District, or may be impounded, relocated and stored ~~impounded~~ in another location designated by the Waterfront Director.

C. PAYMENT OF IMPOUND FEE. The owner of any vessel impounded under either section A or B of this section, whether relocated and stored or not, shall pay an impound fee established by Resolution of the City Council, in addition to any storage or delinquent fees, to the Waterfront Director prior to release of the vessel.

D. NOTICE OF STORAGE AND HEARING. Whenever the Waterfront Department impounds and stores a vessel as permitted by this Section, the Waterfront Department shall provide the vessel's registered owner(s) of record, with the opportunity for a poststorage hearing to determine the validity of the storage.

1. Notice of Storage. Notice of the storage shall be mailed or personally delivered to the registered owner(s) within 48 hours, excluding weekends and holidays, and shall include the following information:

a. The name, address, and telephone number of the Waterfront Department.

b. The location of the place of storage and description of the vessel.

c. The authority and purpose for the impound and storage of the vessel.

d. A statement that, in order to receive the poststorage hearing, the owner(s) shall request the hearing in person or in

writing within ten (10) days of the date appearing on the notice.

2. Poststorage Hearing. The poststorage hearing shall be conducted within 48 hours of the receipt of the request for the hearing by the Waterfront Department, excluding weekends and holidays. The City may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vessel.

3. Failure to Request or Attend Hearing. The failure of the registered owner(s) to request or to attend a scheduled hearing shall satisfy the poststorage hearing requirement.

4. Finality of Hearing and Return of Fees. The Waterfront Department shall return to the registered owner(s) of the vessel all impound and storage fees paid by the owner if it is determined by the hearing officer that reasonable grounds for the storage of the vessel are not established. The decision of the hearing officer after the poststorage hearing shall be final.

17.20.265 Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.

A. UNLAWFUL ANCHORING.

1. Consent of Waterfront Director Required to Anchor Vessels in Harbor. It shall be unlawful to Anchor a vessel in the waters of the Harbor at any time without the consent of the Waterfront Director.

2. No Anchoring in Harbor District Except as Provided Herein. It shall be unlawful to Anchor a vessel in waters of the Harbor District between the sunset and the sunrise, ~~other than~~ except the Seasonal and Year-Round Anchorages as ~~those~~ delineated

on the reference map attached as Exhibit "A" to Chapter 17.20 ~~as~~
~~the Seasonal or Year Round Anchorages, between sunset and~~
~~sunrise~~, without ~~express~~ prior permission of the Waterfront
Director.

3. No Anchoring in Harbor District at Any Time. It shall
be unlawful to Anchor a vessel in the waters of the Harbor
District at any time of the day or night in the area located
between the eastern edge of Stearns Wharf and a line connecting
Boundary A and Boundary B on the western edge of the Seasonal
Anchorage as depicted on the reference map attached as Exhibit
"A" to Chapter 17.20 without the prior permission of the
Waterfront Director.

B. ANCHORED VESSELS MUST BE OPERABLE. Vessels Anchoring in any
area of the Harbor District must be continuously maintained as
Operable vessels. It shall be unlawful to Anchor a vessel in any
area of the Harbor District that is not Operable.

C. UNLAWFUL MOORING AND ANCHORING. It shall be unlawful to
Moor a vessel at any time or to leave Anchoring Equipment
unattended without an attached vessel in the waters of the Harbor
District not designated as Seasonal, Year-round or the Santa
Barbara Mooring Area.

D. CITY REMOVAL OF MOORING OR ANCHORING EQUIPMENT. Any
unlawfully placed Mooring or abandoned Anchoring Equipment may be
removed by the city and sold or otherwise disposed of by the City
as abandoned property. In addition to any fees incurred pursuant
to Section 17.20.265 C, the City may recover the costs of

removal, storage, or disposal of the Mooring or Anchoring
Equipment from the vessel's owner



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Community Promotion Contract With Summer Solstice Celebration, Inc.

RECOMMENDATION:

That Council authorize the Interim Finance Director to execute a Community Promotion contract with Summer Solstice Celebration, Inc., in an amount of \$42,057 to support year-round salary and production expenses.

DISCUSSION:

Summer Solstice will be celebrating its 36th year on June 19, 2010. The Fiscal Year 2010 budget adopted by Council on June 23, 2009 includes \$42,057 under Community Promotions for Summer Solstice Celebration, Inc. to plan next year's public arts workshop, the annual Summer Solstice parade, and a festival. This contract will help support year-round salary and production expenses. The term of the contract extends over the period of October 1, 2009 through September 30, 2010.

PREPARED BY: Jennifer Hopwood, Executive Assistant

SUBMITTED BY: Robert Samario, Interim Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Catch Basin Inlet Storm Drain Screens Project

RECOMMENDATION:

That Council increase the appropriation and estimated revenue by \$1,789,388 in the Fiscal Year 2010 Creeks Capital Fund for the Catch Basin Inlet Storm Drain Screens Project.

DISCUSSION:

On February 17, 2009, the American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law by President Obama. The ARRA appropriates additional economic stimulus funds for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization. The California Clean Water State Revolving Fund (CWSRF), managed by the State Water Resources Control Board (SWRCB), received approximately \$280 million from this bill. The SWRCB modified the existing CWSRF program to distribute a portion of these monies as grants to fund nonpoint source pollution control projects throughout the state.

Although competition was extremely high for the stimulus funds, the Creeks Division submitted a grant application for the Catch Basin Inlet Storm Drain Screens Project. The project involves the installation of retractable screens on approximately 1,400 City storm drain inlets to prevent trash and debris from entering the creeks and beaches, while still allowing storm water flows to pass through. The project was selected for funding because it creates jobs, builds green infrastructure, and was ready for construction within the required CWSRF timeline.

The CWSRF guidelines require a resolution authorizing the applicant's representative to apply for, negotiate, and execute a grant contract. Council approved such a resolution at its August 25, 2009, meeting. The Creeks Division has now been awarded grant funding through the CWSRF program for the Catch Basin Inlet Storm Drain Screens Project.

BUDGET/FINANCIAL INFORMATION:

The total cost of the project is \$2,143,148. The CWSRF grant will provide \$1,789,388 toward the manufacture and installation of the screens. Matching Measure B funds in the amount of \$353,760 are already budgeted in the Creeks Capital Fund.

SUSTAINABILITY IMPACT:

This project is designed to reduce several types of water quality pollutants, including trash, sediment, nutrients, and metals. This will improve water quality and aesthetics in the creeks and on the beaches.

PREPARED BY: Cameron Benson, Creeks Restoration/Water Quality Manager

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Creeks Division, Parks and Recreation Department

SUBJECT: Upper Las Positas Creek Restoration And Storm Water Management Project

RECOMMENDATION:

That Council increase appropriations and estimated revenues by \$1,652,197 in the Creeks Capital Fund for the Upper Las Positas Creek Restoration and Storm Water Management Project.

DISCUSSION:

On February 17, 2009, the American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law by President Obama. The ARRA appropriates additional economic stimulus funds for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization. The California Clean Water State Revolving Fund (CWSRF), managed by the State Water Resources Control Board (SWRCB), received approximately \$280 million from this bill. The SWRCB modified the existing CWSRF program to distribute a portion of these monies as grants to fund nonpoint source pollution control projects throughout the state.

Although competition was extremely high for these stimulus funds, the Creeks Division submitted a grant application for the Upper Las Positas Creek Restoration and Storm Water Management Project. The project involves construction of vegetated swales, basins, and pocket wetlands that capture and treat urban storm water runoff from adjacent neighborhoods and the municipal golf course. This project was selected by staff because it creates jobs, builds green infrastructure, and was ready for construction within the required CWSRF timeline.

The CWSRF guidelines require a resolution authorizing the applicant's representative to apply for, negotiate, and execute a grant contract. Council approved such a resolution at its August 25, 2009, meeting. The Creeks Division has now been awarded grant

funding through the CWSRF grant program for the Upper Las Positas Creek Restoration & Storm Water Management Project.

BUDGET/FINANCIAL INFORMATION:

The total cost of the project is \$1,966,595. The CWSRF grant will provide \$1,652,197 toward the construction of the project. Matching Measure B funds in the amount of \$314,398 are already budgeted in the Creeks Division Capital Program.

SUSTAINABILITY IMPACT:

This project is designed to reduce several types of water quality pollutants, including trash, sediment, nutrients, and metals, and also includes several acres of creek habitat restoration.

PREPARED BY: Cameron Benson, Creeks Restoration/Water Quality Manager

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009
TO: Mayor and Councilmembers
FROM: Water Resources Division, Public Works Department
SUBJECT: Purchase Order For Water Treatment Sludge Disposal

RECOMMENDATION: That Council:

- A. Waive the formal bidding process, as authorized by Municipal Code Section 4.52.080(k), and authorize the City General Services Manager to issue a Purchase Order to the Ventura Regional Sanitation District (VRSD) in the amount of \$200,000 for the disposal of up to 6,500 tons of water treatment sludge in Fiscal Year 2010;
- B. Authorize the City General Services Manager to renew the Purchase Order to the VRSD annually through Fiscal Year 2012, subject to Council approval of the annual Water Fund budget; and
- C. Authorize the City General Services Manager to execute an agreement with the VRSD for delivery of water treatment sludge to the Toland Road Landfill for a three-year period.

DISCUSSION:

The City's William B. Cater Water Treatment Plant (Cater) provides regional water treatment to the communities of Santa Barbara, Summerland, Montecito, and Carpinteria. Historically, sludge generated by Cater's treatment process has been disposed of by hauling it to a mining site on the Santa Ynez River, where it was mixed with soil to serve as fill for the river bed. The cost to the City was only for hauling the sludge to the site.

The Zaca Fire burned 60% of the watershed. As a result, the raw water has high levels of Total Organic Carbons (TOC), requiring that a significant amount of TOC-targeting chemicals be added during the treatment process to comply with federal drinking water regulations. This has increased Cater's sludge production approximately six-fold. Additionally, the post-Zaca Fire sludge contains contaminants that exceed the allowable levels for use as fill in the Santa Ynez river bed.

Cater staff have investigated surrounding landfill sites for the lowest disposal fees. Their investigation resulted in the findings listed below. The hauling costs are covered under an existing purchase order.

Landfill Site	Cost/Ton	Hauling Costs	*Total Cost/Trip
Toland Road Sanitary Landfill Santa Paula, CA	\$30.00	\$500.00	\$890.00
City of Santa Maria Landfill Santa Maria, CA	\$69.90	\$700.00	\$1,608.70
Tajiguas Landfill Santa Barbara County, CA	\$80.00	\$375.00	\$1,415.00

*Estimated 13 tons per truck load

When considering the cost per trip and per ton to dispose of the sludge, the Toland Road Landfill was found to be the most economical option. With staff's investigation of sludge disposal fees, it is in the City's best interest for Council to dispense with the formal bidding process and authorize a Purchase Order for the VRSD to dispose of Cater's sludge at the Toland Road Landfill. The recommended Purchase Order for \$200,000 will cover Cater's sludge disposal costs for Fiscal Year 2010. It is anticipated that Cater's elevated sludge production will persist for the coming few years; therefore, staff recommends that Council authorize renewing the Purchase Order annually through 2012, subject to Council approval of the annual Water Fund budget.

Staff recommends Council authorize an agreement with VRSD for delivery of water treatment sludge at the Toland Road Landfill. The agreement ensures the City's compliance with rules and regulations for delivering such materials at the Toland Road Landfill.

FINANCIAL INFORMATION:

Sufficient funding is included in the 2010 Water Operating Budget to cover the cost for sludge disposal.

PREPARED BY: Catherine Taylor, P.E., Water System Manager/mh

SUBMITTED BY: Christine Andersen, Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Approve Cost Sharing For The Jesusita Fire Flood Protection And Mitigation Projects

RECOMMENDATION: That Council:

- A. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Projects between the City of Santa Barbara and the United States Department of Agriculture, Natural Resources Conservation Service (NRCS), and authorize the Public Works Director to execute the agreement;
- B. Waive the formal bid process, as authorized by Municipal Code Section 4.52.080 (Emergency Purchases), and authorize the City General Services Manager to issue a Purchase Order to AIS Construction in an amount not to exceed \$315,000 for the construction of debris barriers, and Purchase Orders not to exceed \$115,500 for additional Jesusita Fire mitigation work, including the installation of storm drain riser pipes, k-rail, and sandbags;
- C. Approve an agreement for cost sharing of the Jesusita Fire Flood Protection and Mitigation Project: Aerial Hydromulching between the City of Santa Barbara and Santa Barbara County Flood Control and Water Conservation District, and authorize the Public Works Director to execute the agreement; and
- D. Approve the expenditure of \$50,000 from the Streets Fund to County Flood Control to support aerial hydromulching.

DISCUSSION:

Background

In May 2009, the Jesusita Fire burned 8,740 acres, and damaged or destroyed 12 City residences. The fire severely impacted the Cieneguitas Creek, Mission Creek, and Arroyo Burro Creek watersheds, all of which flow through the City. The burn area consists of steep terrain with burn severity ratings of high (2,998 acres), moderate (3,802 acres), and low or unburned (1,940 acres). The fire completely burned off all effective ground cover on the majority of the burn area with the exception of some of the riparian areas in the bottom of the larger drainages.

Burn Area Emergency Response

The National Forest Service completed a Burned Area Emergency Response Assessment (BAER) to evaluate the burned area and prescribe treatments to protect the land quickly and effectively. The BAER was generated for implementation on Forest Service land only. It was not funded by the City. However, the BAER also assesses what downstream landowners and agencies can expect. The BAER evaluated the potential to cause damage to people or land due to increased water runoff, flooding, and sediment flow downstream. There is great concern that, due to the bare hillsides, winter rains may cause significant flooding to the urban areas below.

While soil burn severity was largely moderate, watershed response to precipitation events is expected to be high over nearly all of the fire area due to loss of cover on steep slopes. The potential for increased flows leading to flooding and debris flows is high to very high. Runoff and sediment yield is expected to increase substantially in the next three years. Peak runoff flows are expected to be 2.5 to 3.2 times higher than normal. Sediment production could be up to 20 times what is normal in the most severely burned watersheds for the upcoming rain season. Vegetation is expected to re-sprout in the majority of the burned area, with effective cover re-established within three to five years.

City Flood Protection and Mitigation Projects

The Public Works Director declares that the Jesusita Fire Flood Protection and Mitigation Projects covered under the NRCS Agreement for cost sharing requires emergency purchases as authorized by Municipal Code Section 4.52.080. The debris barriers and additional projects are considered exigency projects as defined by NRCS and must be completed by October 10, 2009. Subsequently, typical City purchasing procedures cannot be followed due to the short interval between funding award and the NRCS deadline for construction. An emergency purchase of supplies and services is necessary to complete projects within NRCS deadlines and complete watershed protection projects prior to the upcoming rain season. Additionally, AIS Construction, located in Carpinteria, CA, is the only available company with the knowledge and experience to install the specialized debris barriers.

City Participation with County Aerial Hydromulching

As a separate Jesusita Fire mitigation project, Santa Barbara County Flood Control is coordinating an aerial hydromulching project on non-federal land in the Jesusita Fire burn area. This \$4.6 million project is being funded through the NRCS, California Emergency Management Agency, and with local matching funds.

The project specifications require that the hydromulch be organic and non-toxic, as well as seed and contaminant free. In addition, County Flood Control has provided written confirmation that the hydromulch work will be 100% plastic free. To ensure this, the hydromulch mixing process will be inspected on a full time basis at the Airport. County

Flood Control has invited the Environmental Defense Center and the City to witness the hydromulch mixing operations. County Flood Control plans to complete an assessment study to review the application and its impact on sediment reduction, runoff reduction, and impacts on vegetation recovery.

BUDGET/FINANCIAL INFORMATION:

The total estimated construction cost for the work led by Public Works is approximately \$430,500. The total estimated construction cost for the work led by County Flood Control is approximately \$4.6 million. The NRCS will fund 80% of the total construction cost of the projects, with a 20% local share, provided the construction contracts are administered by the City. The State of California Emergency Management Agency (Cal-EMA) will fund 75% of the local share, leaving the remainder of the cost to be supplied from local funds. For the City mitigation projects, this share will be \$21,525 from City funds. For the hydromulch project, this share will be split between the County (\$180,000) and City (\$50,000). Therefore, the total City cost share for these mitigation projects is \$71,525.

The table below is a summary of the cost share for each flood protection and mitigation project by agency:

Project	Cost Share				Total
	NRCS	Cal-EMA	County	City	
City of Santa Barbara Mitigation Projects	\$344,400	\$64,575	\$0	*\$21,525	\$430,500
Hydromulch Project	\$3,680,000	\$690,000	*\$180,000	\$50,000	\$4,600,000
Total	\$4,024,400	\$754,575	\$180,000	\$71,525	\$5,030,500

*Lead Agency

There are sufficient funds in the Streets Fund and Water Fund to cover the City's cost obligations.

PREPARED BY: John Ewasiuk, Principal Civil Engineer/BD/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Special Meeting
June 30, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: Iya G. Falcone.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR

Motion:

Agency Members Horton/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Agency Member Falcone).

1. Subject: Redevelopment Agency Fiscal Year 2009 Interim Financial Statements For The Eleven Months Ended May 31, 2009 (17)

Recommendation: That the Redevelopment Agency Board accept the Redevelopment Agency Fiscal Year 2009 Interim Financial Statements for the Eleven Months Ended May 31, 2009.

Action: Approved the recommendation (June 30, 2009, report from the Fiscal Officer).

ADJOURNMENT

Chair Blum adjourned the meeting at 4:04 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
July 14, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:00 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams (2:01 p.m.), Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Housing and Redevelopment Manager Brian Bosse, Deputy City Clerk Brenda Alcazar.

PUBLIC COMMENT

No one wished to speak.

ITEM REMOVED FROM CONSENT CALENDAR

3. Subject: Contract For Construction For The West Downtown Pedestrian Improvement Project (530.04/15)

Recommendation:

- A. That the Redevelopment Agency (RDA) Board authorize the expenditure of \$2,852,845 for the West Downtown Pedestrian Improvement Project (Project);
- B. That Council reject the bid protest and award and authorize the Public Works Director to execute a contract with C.S. Legacy Construction, Inc. (Legacy), waiving minor irregularities, in their low bid amount of \$2,299,220, for construction of the Project, Bid No. 3481, and authorize the Public Works Director to approve expenditures up to \$230,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment, and to accept the final contract amount, with approved changes, and filing all Notices of Completion (NOC) with the County Clerk-Recorder's Office;

(Cont'd)

3. (Cont'd)

- C. That Council authorize the Public Works Director to execute a contract with Penfield & Smith in the amount of \$50,325 for design support services during construction;
- D. That Council authorize the General Services Manager to issue a Purchase Order to Fugro in the amount of \$12,000 for material testing services and to approve expenditures of up to \$2,000 for extra services of Fugro that may result from necessary changes in the scope of work; and
- E. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for Funding of Capital Improvements to the West Downtown Pedestrian Improvement Project.

Documents:

- July 14, 2009, joint report from the Public Works Director and the Deputy Director/Community Development Director.
- Proposed Resolution.
- July 14, 2009, letter from COAST (Coalition for Sustainable Transportation).
- July 14, 2009, written comments submitted by Michael Self.

The title of the resolution was read.

Speakers:

- Members of the Public: Frank Hotchkiss and Michael Self, Santa Barbara Safe Streets; Jim Westby; Kellam deForest; Bonnie Donovan; Alex Pujo, Santa Barbara Walks.
- Transportation & Circulation Committee: Chair David Pritchett.
- Staff: Housing & Redevelopment Manager Brian Bosse.

Motion:

Agency/Council Members House/Horton to approve the recommendations; City Council Resolution No. 09-061; City Council Contract Nos. 23,136 and 23,147.

Vote:

Majority voice vote (Noes: Agency/Council Member Francisco).

CONSENT CALENDAR (Item Nos. 1, 2, and 4)

1. Subject: Agency Board Approval Of Grant Of Easement At Railroad Depot And Council Introduction Of Ordinance Approving Grant Of Easement On City Property Near The Moreton Bay Fig Tree For The Lower Mission Creek Project (530.03/13)

Recommendation:

- A. That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Grant of Easement to Santa Barbara County Flood Control and Water Conservation District for the Lower Mission Creek Project; and
- B. That the Agency Board approve the Grant of Easement to Santa Barbara County Flood Control and Water Conservation District for the Lower Mission Creek Project and authorize the Executive Director to execute the easement.

Action: Approved the recommendations (July 14, 2009, joint report from the Public Works Director and the Deputy Director/Community Development Director; proposed City Council ordinance).

2. Subject: Approval Of \$500,000 Grant Agreement To Santa Barbara Trust For Historic Preservation For Improvements To Alhecama Theatre (14)

Recommendation: That the Redevelopment Agency Board authorize the Deputy Director to execute a grant agreement for capital improvements to the Alhecama Theatre with the Santa Barbara Trust for Historic Preservation in a form acceptable to Agency Counsel.

Speakers:

Member of the Public: Daniel Reicker, Attorney representing the Unity Shoppe.

Action: Approved the recommendation; Redevelopment Agency Agreement No. 518 (July 14, 2009, report from the Deputy Director; July 13, 2009, letter from Daniel Reicker).

4. Subject: Purchase Order For Additional Soil And Groundwater Sampling At 631 Garden Street (540.10/16)

Recommendation:

- A. That the Agency Board authorize the expenditure of \$34,400 for additional soil and groundwater sampling efforts at 631 Garden Street; and

(Cont'd)

4. (Cont'd)

- B. That Council authorize the General Services Manager to execute a Purchase Order Contract with Trak Environmental (TRAK), in an amount not to exceed \$28,670, and up to \$5,730 for extra services for additional soil and groundwater sampling at 631 Garden Street.

Action: Approved the recommendations; City Council Contract No. 23,148 (July 14, 2009, joint report from the Public Works Director and the Deputy Director/Community Development Director).

ADJOURNMENT

Chair Blum adjourned the meeting at 4:02 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

BRENDA ALCAZAR, CMC
DEPUTY CITY CLERK

CITY OF SANTA BARBARA
REDEVELOPMENT AGENCY MINUTES

Regular Meeting
July 21, 2009
Council Chamber, 735 Anacapa Street

CALL TO ORDER

Chair Marty Blum called the joint meeting of the Agency and the City Council to order at 2:01 p.m.

ROLL CALL

Agency members present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Chair Blum.

Agency members absent: None.

Staff present: Executive Director/Secretary James L. Armstrong, Agency Counsel Stephen P. Wiley, Deputy Director Paul Casey, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

No one wished to speak.

CONSENT CALENDAR

Motion:

Agency members House/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Minutes (11)

Recommendation: That the Redevelopment Agency Board waive the reading and approve the minutes of the special meeting of June 23, 2009.

Action: Approved the recommendation.

REDEVELOPMENT AGENCY REPORTS

2. Subject: Loans For Affordable Housing At 416-424 East Cota Street (660.04/14)

Recommendation: That the Redevelopment Agency Board and the City Council take the following actions regarding the proposed 56-unit "Artisan Court" affordable housing project at 416-424 East Cota Street to be developed by the Housing Authority of the City of Santa Barbara using new City and Agency loans totaling \$3,200,000:

- A. That the Agency Board approve loans of \$2,000,000 to the Housing Authority of the City of Santa Barbara and \$284,583 to Artisan Court L.P., using Redevelopment Agency Housing Setaside funds, appropriate these amounts from the Agency's housing fund unappropriated reserves, approve subordination of the loans to the construction financing and regulatory agreements required under the tax credit program, if required, and authorize the Executive Director or Deputy Director to execute loan agreements and related documents in a form approved by Agency Counsel;
- B. That the Agency Board approve amending the terms of the Agency's 2006 site acquisition loan of \$2,000,000 to the Housing Authority so that the terms of the existing Agency loan are made consistent with the terms of the new Agency loan and to approve subordination of the existing loan to the construction financing and regulatory agreements required by the tax credit program, if required, and authorize the Executive Director or Deputy Director to execute the required documents in a form approved by Agency Counsel;
- C. That Council approve a loan of \$915,417 of federal Home Investment Partnerships Program (HOME) funds to Artisan Court L.P. and authorize the Community Development Director to execute a loan agreement and related documents in a form approved by the City Attorney;
- D. That Council and the Agency Board adopt, by reading of title only, A Joint Resolution of the Council of the City of Santa Barbara and the Redevelopment Agency of the City of Santa Barbara Finding that the Use of Redevelopment Agency Housing Setaside Funds for Development of Affordable Housing Located Outside the Central City Redevelopment Project Area (CCRP) at 416-424 East Cota Street Will Be of Benefit to the CCRP;
- E. That Council and the Agency Board approve the subordination of their affordability control covenant to the lien of the construction lender and to regulatory agreements required under the tax credit program, and make the finding that there is no reasonably available and economically feasible alternative for financing this project without subordination of the affordability control covenant; and

(Cont'd)

2. (Cont'd)

- F. That the Agency and Council take the above actions subject to the condition that Artisan Court L.P. receives approval of a commitment of low income housing tax credits according to their application to the California Tax Credit Allocation Committee dated June 9, 2009.

Documents:

- July 21, 2009, report from the Agency Deputy Director/Community Development Director.
- Proposed Resolution.

The title of the resolution was read.

Speakers:

- Staff: Housing Programs Supervisor Steven Faulstich, Agency Deputy Director/Community Development Director Paul Casey.
- Housing Authority of the City of Santa Barbara: Deputy Executive Director Rob Fredericks.

Motion:

Agency/Council members House/Horton to approve the recommendations; Redevelopment Agency Resolution No. 1016 and Agreement Nos. 519 and 520; City Council Resolution No. 09-065 and Agreement No. 23,159.

Vote:

Unanimous roll call vote.

3. Subject: Loan For Mom's Place Affordable Housing Project Sponsored by Transition House At 421 East Cota Street (660.04/15)

Recommendation: That the City Council and Redevelopment Agency Board take the following actions regarding the proposed "Mom's Place" affordable housing project at 421 East Cota Street to be developed by Mom's L.P. using a new City loan of \$680,000:

- A. That Council approve a loan of \$680,000 of federal Home Investment Partnerships Program (HOME) funds to Mom's L.P. and authorize the City Administrator or Community Development Director to execute a loan agreement and related documents in a form approved by the City Attorney;
- B. That Council approve funding the proposed new HOME loan subject to the condition that Mom's L.P. receives low income housing tax credits and state loan funds, or other comparable financing as approved by staff and the City Attorney;

(Cont'd)

3. (Cont'd)

- C. That the Agency Board approve amending the Agency's 1999 acquisition loan and 2009 predevelopment loan to Transition House so that the terms of the existing loans are consistent with the proposed new HOME loan, approve assigning the two existing Agency loans to Mom's L.P., and authorize the Executive Director or Deputy Director to execute the required documents in a form approved by Agency Counsel;
- D. That the Agency Board approve subordination of the Agency loans to a new bridge loan, to a new permanent loan from the State of California, and to the regulatory agreements and covenants required under the Low Income Housing Tax Credit Program and the state's Supportive Housing Program, and authorize the Executive Director or Deputy Director to execute required documents in a form approved by Agency Counsel; and
- E. That Council and the Agency Board approve a new replacement affordability control covenant with Mom's L.P. covering all 16 units and approve subordination of the covenant to the liens of the bridge loan and the state's loan and to regulatory agreements and covenants required under the Low Income Housing Tax Credit Program and the state's Supportive Housing Program, make the finding that there is no reasonably available and economically feasible alternative for financing this project without subordination of the affordability control covenant, and authorize the City Administrator or Community Development Director to execute required documents in a form approved by the City Attorney.

Documents:

July 21, 2009, report from the Agency Deputy Director/Community Development Director.

Speakers:

- Staff: Project Planner Simon Kiefer.
- Transition House: Executive Director Kathleen Baushke.

Motion:

Agency/Council members Falcone/House to approve the recommendations; City Council Agreement No. 23,160.

Vote:

Unanimous voice vote.

ADJOURNMENT

Chair Blum adjourned the meeting at 4:11 p.m.

SANTA BARBARA
REDEVELOPMENT AGENCY

SANTA BARBARA
CITY CLERK'S OFFICE

MARTY BLUM
CHAIR

SUSAN TSCHECH, CMC
DEPUTY CITY CLERK



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Engineering Division, Public Works Department
Housing and Redevelopment Division, Community Development
Department

SUBJECT: Chase Palm Park Easement And Adjacent Recycled Water
Easement

RECOMMENDATION:

- A. That the Redevelopment Agency (Agency) Board approve and authorize the Agency's Executive Director to execute, subject to approval by the Agency's Counsel, an amendment to the Declaration of Construction and Operating Covenants and Reciprocal Easements (Declaration), to extend the termination date to January 15, 2015, and to provide for a reciprocal underground utility easement in Chase Palm Park; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting a Recycled Water Pipeline Easement Located on a Portion of the Real Property Commonly Known as 103 South Calle Cesar Chavez, Santa Barbara County Assessor's Parcel No. 017-113-020.

DISCUSSION:

In 1993, the City approved a Specific Plan, and a subsequent Specific Plan Amendment, providing for the development by the Agency and by American Tradition, LLC, of a public/private project on the site of the now existing Chase Palm Park (Park) and the adjoining area under development as a luxury hotel. In 1996, the City, the Agency, and American Tradition caused the preparation and recordation of Redevelopment Parcel Map No. 20,587. The map created lots for the hotel site by American Tradition (parcel 1 on the map), and for the Park (parcels 2 and 3 on the map), along with various existing and new easements in the area. The proposed hotel site, the hotel parking site, the Park, and other landmarks are shown on Attachment 1.

The obligations of the parties to develop the Park and hotel, as shown on Attachment 1, are set forth in a series of agreements, and one such agreement is the Declaration. The Declaration, originally recorded in 1996, requires the Agency to develop the Park. Once developed, the Agency is to convey the Park property, together with all rights and obligations in the Declaration, to the City. Ownership of the Park property continues to be held by the Agency, but will be conveyed to the City in the future.

A transition area, adjacent to the hotel, but within the Park, provides for landscaping and utility uses to ensure that a buffer area will exist between the hotel use and the Park use. The area also provides emergency access for the Park and the hotel. The Declaration describes several underground reciprocal and nonexclusive utility easements that are granted between American Tradition and the Agency.

As plans for the hotel and the Park's transition area have been finalized, it has become apparent that additional underground utilities will be necessary to most efficiently serve the hotel, which requires the establishment of a new utility easement as shown on Attachment 2. These new utilities will have no operational effect on the Park.

The Declaration, not including the recorded easements, terminates 35 years from the opening date of the hotel, or September 21, 2010. The proposed amendment to the Declaration states that it will extend the termination date until "(a) 35 years from the Opening Date, or (b) January 1, 2015 if the Opening Date has not occurred by such date." The amendment will also establish the new easement on the Park for the additional underground utilities. The date of January 1, 2015, was selected because in 2015, the Agency's Central City Redevelopment Project Area is scheduled to expire and it is expected that the Agency will convey the Park property to the City by this date, if not sooner.

Staff also recommends Council's concurrent adoption of a Resolution to accept a recycled water pipeline easement. This easement will acknowledge and provide for the City's continuing use, maintenance, and replacement of the existing recycled water pipeline located on the real property now owned by American Tradition at 103 South Calle Cesar Chavez. The location of the recycled water pipeline easement is shown on Attachment 3.

In 1989, in connection with the Santa Barbara Water Reclamation Project (Project), the City constructed approximately 7 miles of recycled water pipelines. These pipelines provide reclaimed water for the irrigation of landscaping at several large tracts of land in and adjacent to the City Limits. The Project included the City's installation of the existing recycled water pipeline that crossed the railroad tracks (see Attachments), formerly owned by Southern Pacific Transportation Company (Southern Pacific), and now owned and operated by Union Pacific Railroad Company. At that time, the Project designers and staff inadvertently overlooked the need to obtain an easement to provide for the recycled water pipeline on the affected portion of Southern Pacific's property.

Subsequently, in 1998, an excess portion of Southern Pacific's railroad track property was sold to American Tradition, who has since developed plans and obtained City permits for a

parking lot to serve its nearby hotel project at 103 South Calle Cesar Chavez. Because no public easement was recorded for the City's use and maintenance of the recycled water pipeline on American Tradition's property, City staff successfully negotiated an easement from American Tradition.

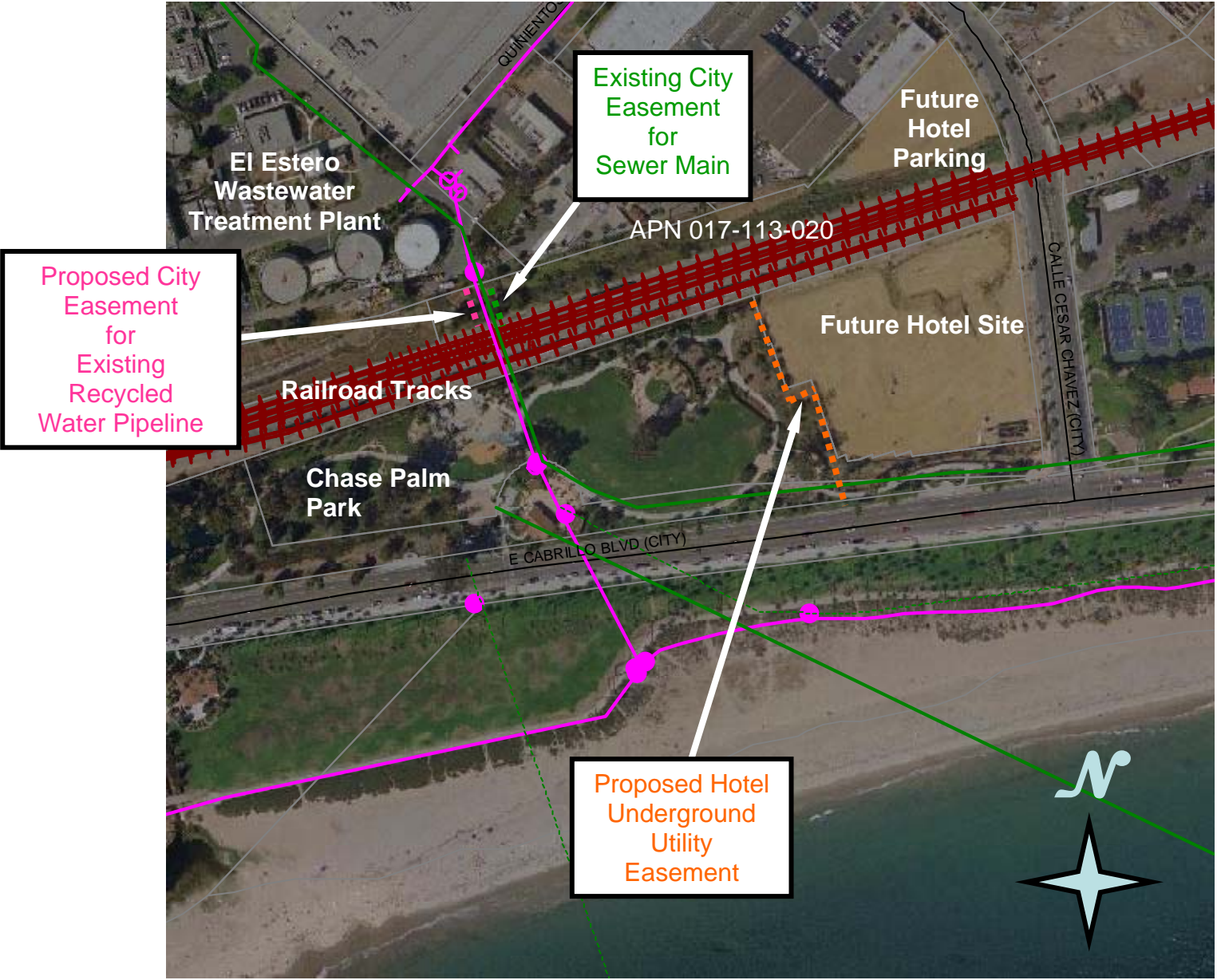
ATTACHMENT(S): 1. Vicinity Photo
2. Chase Palm Park Utility Easement
3. Recycled Water Pipeline Easement

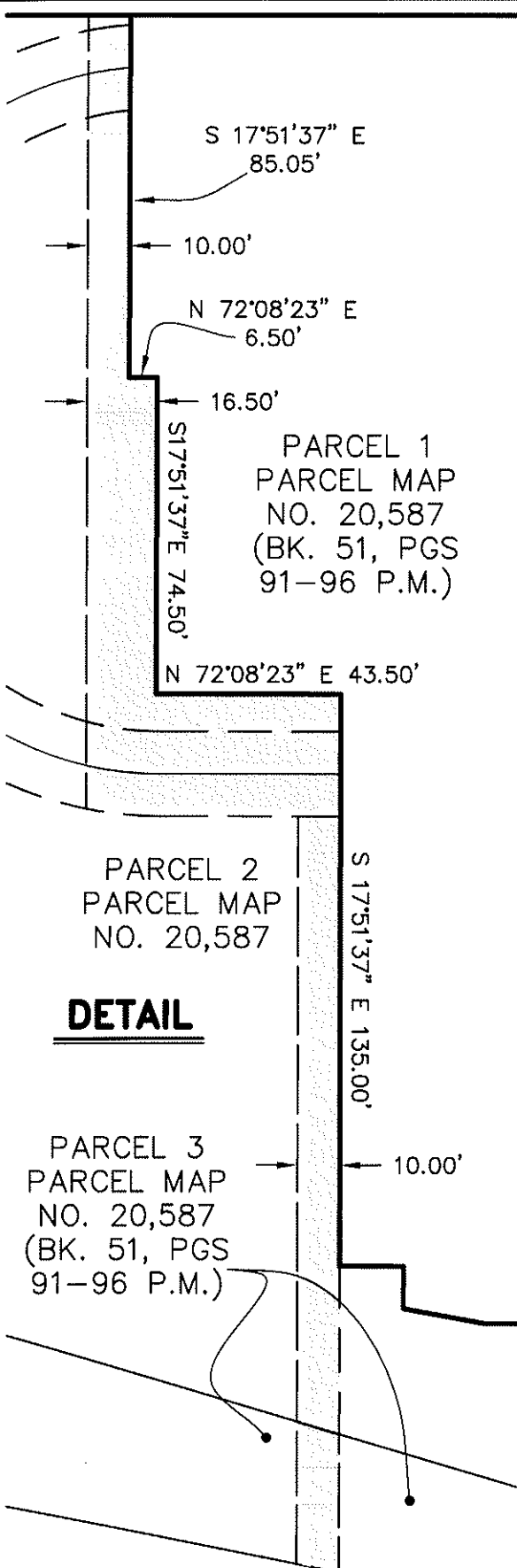
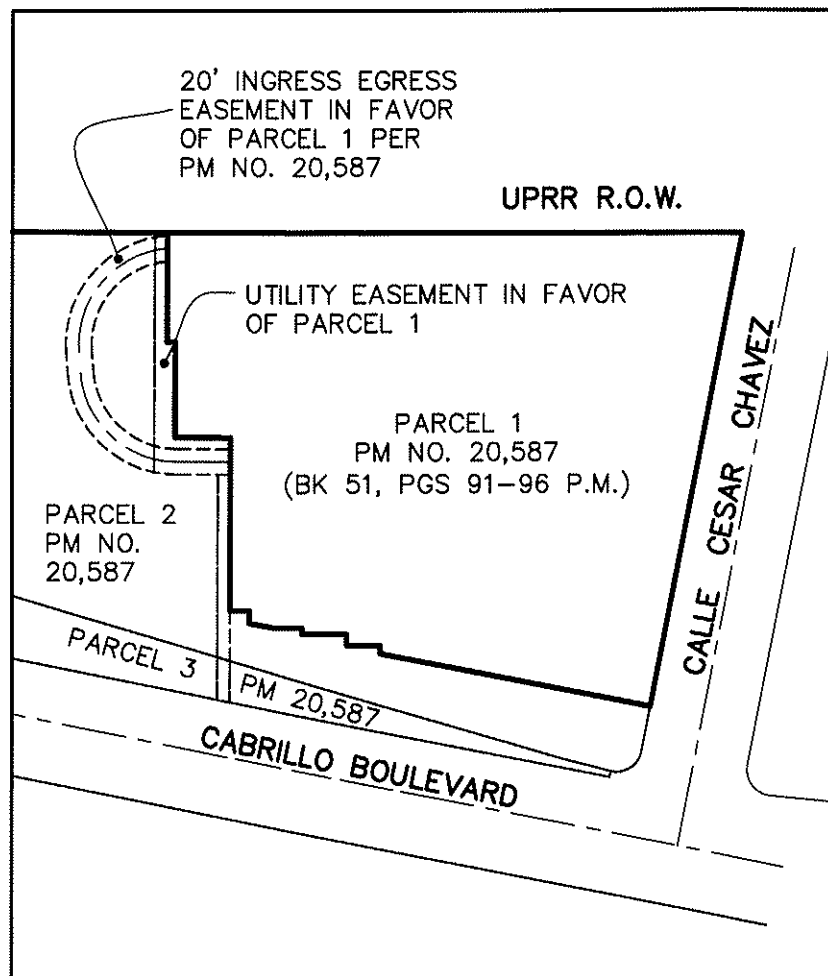
PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DI/sk
Brian Bosse, Housing and Redevelopment Manager/MA

SUBMITTED BY: Christine F. Andersen, Public Works Director
Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

Chase Palm Park Underground Utility Easement and
Recycled Water Pipeline Easement





DETAIL



Kenneth J. Wilson
8-25-09

**UTILITY EASEMENT
OVER A PORTION OF PARCEL 2
AND PARCEL 3 PM NO. 20,587**
CITY OF SANTA BARBARA, CA



Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

ATTACHMENT 3 EXHIBIT B

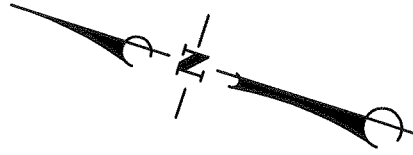
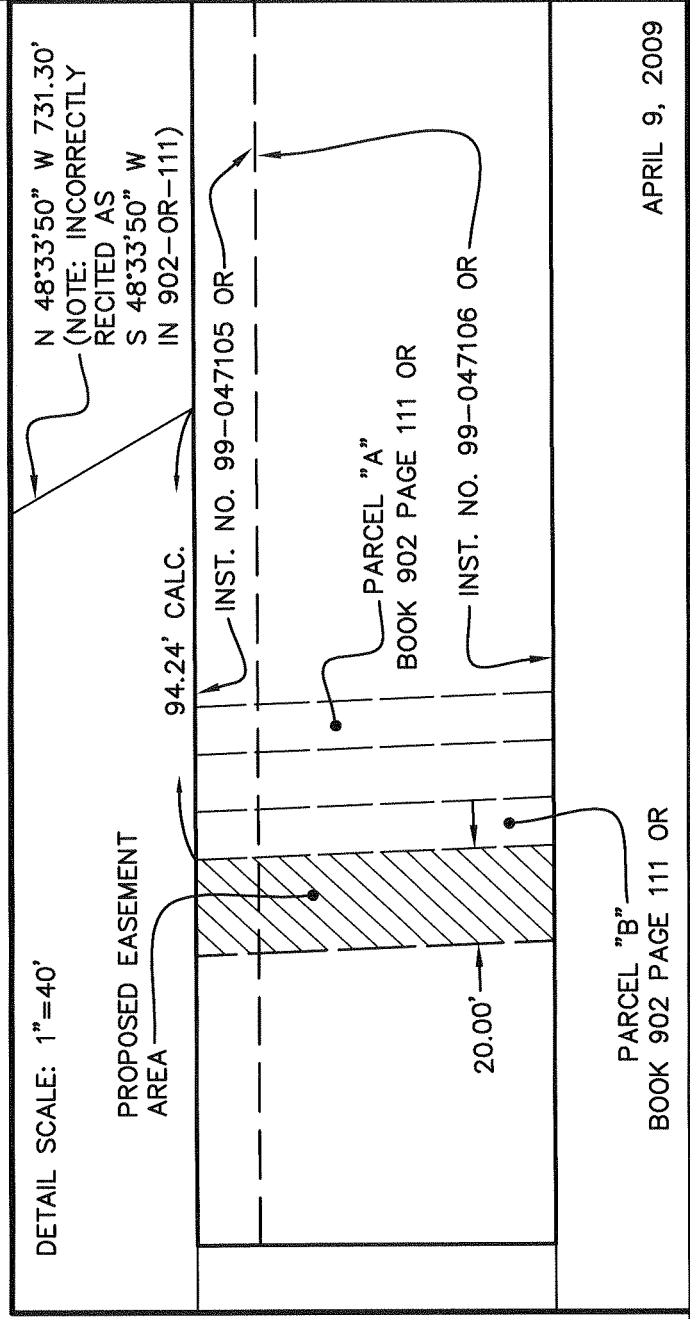
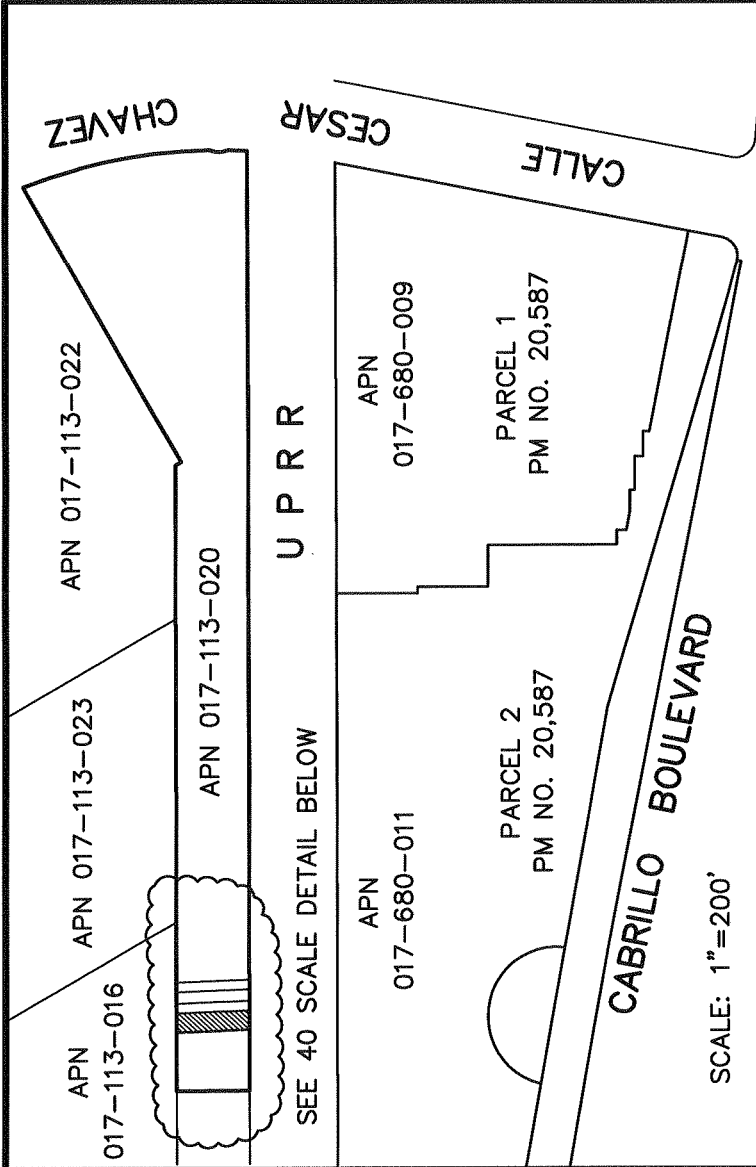
PROPOSED EASEMENT
FOR RECLAIMED WATER LINE

OVER A PORTION OF

APN 017-113-020



Kenneth J. Wilson
4-9-09



Penfield & Smith
Engineering • Surveying • Planning
• Construction Management •

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING A RECYCLED WATER PIPELINE EASEMENT LOCATED ON A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 103 SOUTH CALLE CESAR CHAVEZ, SANTA BARBARA COUNTY ASSESSOR'S PARCEL NO. 017-113-020

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The City of Santa Barbara hereby accepts that certain interest in real property conveyed in an easement pertaining to a perpetual, nonexclusive easement on a portion of 103 South Calle Cesar Chavez, referred to as Santa Barbara County Assessor's APN 017-113-020. Said easement granted by American Tradition LLC, a California limited liability company, to the City of Santa Barbara, a municipal corporation, is for the purpose of a recycled water pipeline.

SECTION 2. The City of Santa Barbara hereby consents to the recordation by the City Clerk in the Official Records of said Recycled Water Pipeline Easement Deed.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Upper State Street Area Design Guidelines

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara to Adopt Updated Design Guidelines for the Upper State Street Area.

DISCUSSION:

The proposed design guidelines for the Upper State Street Area encourage designs which will be compatible with their surroundings, facilitate connectivity, manage traffic, and enhance circulation and Santa Barbara's distinctive built environment. The guidelines were developed to carry forward the results of the City Council's *2007 Upper State Street Study* (USS Study) recommendations and to help implement the goals and objectives outlined in the Study. The purpose of these guidelines is to provide additional direction for how property owners, both public and private, can make improvements to their properties to collectively improve the visual character and circulation of the Upper State Street Area. When applied, these guidelines will help to ensure against fragmented or incompatible development and prevent uncoordinated design decisions.

Background. The original Upper State Street Area Design Guidelines were adopted in 1992 to work with the existing SD-2 (*Special District Zone*) development standards. The guidelines provided general direction for development design of architectural style and elements, color, exterior finishes, roofs, site planning, building heights, lighting, landscaping, and neighborhood compatibility. The proposed September 2009 Guidelines (USS Guidelines) serve as a new edition of the 1992 Guidelines, with new emphasis on design and streetscape development, working in conjunction with the intent of the S-D-2 overlay zone to ensure appropriateness of development and to mitigate traffic impacts where possible.

In April 2006, in recognition of community concerns about development proposals in the Upper State Street Area, the Santa Barbara City Council directed staff of the Planning and Transportation Divisions to undertake a study of the Upper State Street commercial corridor working with the public, city commissions and consultant teams. The purpose

of the USS Study was to identify changes that could improve traffic circulation and urban design in the study area.

City Council specified that the USS Study effort be focused on roadway improvements and amendments to development and design standards that could occur within the existing City policy framework. Larger citywide policy issues such as land use changes, housing density and affordability, commercial growth, regional traffic, and environmental sustainability were not addressed in the study and are not addressed in the guidelines. They will be studied as part of the City General Plan update ("Plan Santa Barbara") process. On May 8, 2007, the Council adopted Resolution Number 07-032 for the USS Study.

Approach To Updating The Guidelines.

A more comprehensive update to the USS Guidelines was planned but delayed due to budget constraints. This would have included long-term transit options for the street. On October 21, 2008, the Finance Committee directed staff to indefinitely postpone funding of a comprehensive update to the USS Guidelines per the full scope of implementation of the USS Study. Instead, staff was directed to complete a simplified guideline document based on the USS Study. On November 11, 2008, City Council concurred with the recommendations of the Finance Committee. The attached guidelines communicate the design recommendations which were the result of the Upper State Street Study and public review process.

Council also directed staff to return with the estimated cost of a staff level study of possible future transit right-of-way-needs on Upper State Street. After consulting with the Council Ad-Hoc Transportation Committee, staff determined that, at this time, the most cost effective strategy to reserve space for future transit expansion was to include references to transit needs and possibilities in the guidelines. Accordingly, Chapter 4 states "The City is also interested in reserving space along Upper State Street for current and potential future transit expansion needs and possibilities." Also, Guideline 4 lists projects "compatible with current and potential future transit expansion needs and possibilities" as more likely to constitute appropriate development where a front setback modification is requested.

Using a streamlined approach to update the guidelines, in general, the guidelines content is derived from the following sources:

- 2007 Upper State Street Study (USS Study) and final Council Resolution
- 1992 Upper State Street Area Design Guidelines
- Key passages from the City's Urban Design Guidelines
- 2009 Upper State Street Subcommittee suggested text and photos

After Planning Commission (PC) and Architectural Board of Review (ABR) draft guidelines comments in June 2009, at their request, a subcommittee of PC and ABR members met with staff three times and revised three guidelines drafts. A resulting August 2009 version of the Guidelines was reviewed by the ABR on August 10, 2009.

Both the ABR and the USS Guidelines Subcommittee, which includes three PC members, recommend Council adopt the Guidelines (see ABR minutes, Attachment 1 and Attachment 2, which provides further detail regarding the USS Guidelines update process).

Guideline Highlights. Topics addressed in the Guidelines include area character and openness, landscaping and “streetscape” design, scenic views, open space and creeks, building heights and setback distances from the street, site layouts which can improve the area’s circulation and parking, and pedestrian and bicycle infrastructure and connectivity in the area.

Environmental Review. Staff determined that the update of guidelines would not result in significant impacts to the environment, and would be Categorically Exempt from further environmental review procedures under CEQA Guidelines section 15308, Actions by Regulatory Agencies for Protection of the Environment. The proposed updated guidelines are the type of provisions identified by City Council Resolution as consistent with this exemption category and therefore would require no further CEQA review.

Following adoption of the updated guidelines, subsequent discretionary approval actions on individual projects would continue to be subject to CEQA environmental review procedures.

BUDGET/FINANCIAL INFORMATION:

In the immediate term, the streamlined staff approach to updating the guidelines saved substantial costs which would have been allocated to consulting contracts and additional staff time on this project. However, there is still an expectation among the hearing review bodies and the public for a more comprehensive update of the guidelines to occur once the Plan Santa Barbara process is completed.

SUSTAINABILITY IMPACT:

This update to the USS Design Guidelines support sustainability in the following ways:

- Alternative transportation via pedestrian amenities, bicycle parking and circulation and mass transit accommodations are encouraged.
- Efficient/compact parking lot layouts encouraged.
- Development to preserve and enhance area creeks is encouraged.
- Appropriate landscaping and open space provisions are encouraged. Also, references to environmentally inappropriate plant species encouraged in 1992 version of the guidelines have been removed from this version.

NOTE: A copy of the proposed USS Design Guidelines, 2007 Upper State Street Study Report, and May 8th, 2007, Upper State Street Council Resolution are available for public review at the City Clerk's Office and on the City's website at: www.santabarbaraca.gov/Resident/Home/Guidelines/#USSGuidelines.

ATTACHMENTS: 1. Minutes Excerpt: Architectural Board of Review August 10, 2009
2. Update Process Details for USS Guidelines

PREPARED BY: Heather Baker, AICP, Project Planner

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

**Minutes Excerpt
Architectural Board of Review
August 10, 2009**

CONTINUED DISCUSSION ITEM:

(3:10)

REVIEW OF REVISED AUGUST 2009 DRAFT OF UPPER STATE STREET DESIGN AREA GUIDELINES.

City Staff Presenter: Heather Baker, Project Planner; and Bettie Weiss, City Planner.

Staff reported edits and updates made to the August 2009 Draft of the Upper State Street Design Area Guidelines (Guidelines).

Public comment opened at 3:13 p.m.

Paul Hernadi (submitted letter from Naomi Kovacs-Citizens Planning Assoc.): expressed concern regarding further reinforcement of S-D-2 Zone; requested a general statement be included on need to improve air quality; requested the square footage of all required open spaces, sidewalks, and driveways be subtracted from a two-story structure's buildable size; and requested a change on the statement regarding "community benefits."

Regarding the requested "community benefits" phrasing, Staff recommended replacing the phrase "with the provision of substantial community benefits..." for "with the inclusion of benefits for the community at large, provided in quantity and quality beyond customary requirements..." on Page 5-4 of the final draft of the Guidelines to be consistent with Guideline 24. The Board concurred.

The Board acknowledged public comment email and letters from Richard Solomon (regarding the S-D-2 Zone required 20-foot setback) and Paula Westbury.

Public comment closed at 3:24 p.m.

Staff confirmed the Draft Guidelines will be ready for review by City Council after comments are incorporated from this meeting.

Discussion held.

Board Suggestions and Comments:

1. Table of Contents: Change Chapter 3 to new title "Design Elements".
2. Clarify a statement that photo examples are to be reviewed in the context of what they are illustrating only, but not to consider each building or site layout pictured as a complete appropriate solution.
3. Clarify that although City transportation and other public improvement projects are subject to these Guidelines, the Guidelines mainly address development projects on individual properties.
4. Page 1-6: Delete reference to "North State" in the text, since it is not illustrated.
5. Chapter 3: Correct pagination/formatting in Chapter 3, and on Page 3-2.
6. Page 3-2: Correct Figure 5 to show Mac Kenzie Park as on the south side of the street.
7. Page 4-2 Guideline 59: Soften this language regarding removing parking lot barriers. The practicality of suggestions such as linking parking lots together and removing barriers between lots is questionable, and cannot be legally enforced in adjusting private and commercial property lines.
8. Page 4-3 - Goal: Delete or clarify the phrase "or district" in the goal.
9. Examine Guideline 11 on page 3-4 and compare to reference on Mediterranean architecture on Page 3-14.
10. It would be better if the Guidelines could provide guidance to assist in "fine-tuning" Board decisions on land-use and density issues. Guidelines could provide a stronger "vision" for the area.
11. Some contradictions exist in the Guidelines and the lack of clear direction provided for possible future situations such as encouragement and provision for outdoor pedestrian-friendly environments. In some cases, it provides over-broad direction regarding "key characteristics" mentioned. In addition, some graphic diagrams (Fig. 3-3) should be clarified.
12. Correct the name of Loretto vs. San Roque Plaza.

ATTACHMENT 1

Ms. Weiss requested the Board to specifically review the "compatibility" section of the Draft Guidelines in Chapter 5.

Motion: To forward the Upper State Street Area Design Guidelines to City Council with a recommendation for adoption with the recommended minor changes incorporated:

- 1) The Board looks forward to the Plan Santa Barbara process creating a comprehensive vision for the Upper State Street area and a future update to the Upper State Street Area Design Guidelines to communicate that vision.
- 2) The Board has concerns regarding implementation of draft Guideline 59, regarding removing parking lot barriers, and would like to see a revision and softened language for this Guideline.

Action: Zink/Rivera, 4/0/1. Motion carried. (Aurell abstained, Sherry/Mosel/Gilliland absent).

**Update Process Details for
Upper State Street Area Design Guidelines**

Staff Work to Prepare for June 2009 Draft Guidelines

- The Upper State Street Study (USSS) was reformatted into a guideline format. “Guidelines” replaced “recommendations”, “Background Chapter” was revised, and recommendations for changes to the Zoning Ordinance were deleted. Portions of the USSS not relevant in the guidelines were deleted: public discussion summaries, extensive background information about the USS Study, and transportation details.
- 1992 Upper State Street Guidelines text was incorporated.
- Especially relevant passages from the Urban Design Guidelines were incorporated into the document on the following topics: Site Planning & Building Setbacks, Automobile Parking Facilities, Open Space and Creeks. Staff did not incorporate potentially applicable compatibility guidelines from the Urban Design Guidelines into the document, as Staff plans to incorporate those concepts into the Architectural Board of Review Guidelines.
- In general, staff preserved the sequencing, format, and majority of text of the USSS and May 2007 City Council Resolution in the creation of the Upper State Street Design Guidelines, although some USSS urban design text was moved into a new chapter, Chapter 2, titled “Site Planning, Building Setbacks & Parking”.

Subcommittee Review Process

After the Planning Commission's (PC) review of the guidelines on 6/11/09 and the Architectural Board of Review (ABR) guidelines comments on 6/15/09, a subcommittee of PC and ABR members was formed to meet with staff and revise the draft guidelines. The subcommittee and staff met three times and worked on three interim drafts of the guidelines (6/25, 7/9 and 7/23), with Subcommittee and staff comments and edits resulting in an August version of the Guidelines which were reviewed by the ABR on August 10, 2009. Changes which the Subcommittee worked on included:

In general:

- Map corrections
- Photos additions
- Re-numbering of guidelines to be continuous throughout the document (1-66)
- General fine editing to reduce typos/ grammar errors/ increase clarity

ATTACHMENT 2

Ch. 1: Introduction re-write, elimination of “Sub Neighborhoods” section.

Ch. 2:

- More detail added to front setback modification considerations (Guideline 4)
- Introductory language regarding parking needs / issues / goals improved.
- Minimized repetition in guidelines through cross-referencing (ex. rear parking, parking lot barriers, etc.), the total number of guidelines was reduced.
- Three photo examples of rear parking lot site layouts included.

Ch 3:

- More detail added regarding design consideration when three-story buildings are proposed. (Guideline 24)
- Emphasis placed on not just view corridors, but also viewing locations / viewing opportunities
- Creeks section re-reviewed by Creeks Division
- Guidelines regarding windows & street facades refined. (Guidelines 45 & 47)
- Tree planting and protection guidelines reorganized.

Ch 4: Expanded list of potential public/private transportation improvement projects (Guideline 66).

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA TO ADOPT UPDATED DESIGN
GUIDELINES FOR UPPER STATE STREET AREA

WHEREAS, The City of Santa Barbara has a long history of encouraging quality architecture fostered by the Architectural Board of Review (ABR) of projects within the defined Upper State Street Area;

WHEREAS, the City of Santa Barbara has previously adopted design guidelines for the Upper State Street Area in order to maintain and regulate the compatibility of architectural styles within the area;

WHEREAS, the City of Santa Barbara has determined that an update of Upper State Street Area Design Guidelines is necessary given the guidelines were adopted in 1992 and since then the City conducted a comprehensive study of the Upper State Street Area;

WHEREAS, the City of Santa Barbara desires to update the Upper State Street Area Design Guidelines to further address design issues in the area;

WHEREAS, the updated Upper State Street Area Design Guidelines carry forward the work of the 2007 Upper State Street Study and Council Resolution No. 07-032;

WHEREAS, the City Council continues to recognize the importance of the approved Upper State Street Study Report Chapters 4 and 5 and City Council Resolution No. 07-032 Exhibit D, "Longer-Term Improvements," in implementing adopted Circulation Element and Pedestrian Master Plan policies;

WHEREAS, the City Council continues to recognize the importance of the approved Upper State Street Study Report Chapters 4 and 5 and City Council Resolution No. 07-032 Exhibit D, "Longer-Term Improvements," continue to provide interim guidance and direction on transportation related topics for City review and permitting of development applications within the Upper State Street Study Area;

WHEREAS, a Subcommittee of the Planning Commission and Architectural Board of Review was formed and composed of three Planning Commission members and three ABR Architectural Board of Review members to assist staff in updating the Guidelines;

WHEREAS, Draft updated Upper State Street Area Design Guidelines were presented at a Planning Commission (PC) hearing and two ABR meetings in 2009 and were subsequently reviewed and commented by the public and PC and ABR; and

WHEREAS, under the provisions of Article 19, Section 15308 of the California Environmental Quality Act (CEQA) Guidelines; the adoption of the updated Upper State

Street Area Design Guidelines have been determined by Staff to qualify for a Categorical Exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT the updated Upper State Street Area Design Guidelines, attached hereto as an Exhibit, are hereby adopted.

**THE EXHIBIT TO THIS RESOLUTION
IS AVAILABLE FOR REVIEW
IN THE CITY CLERK'S OFFICE
OR AT**

<http://www.santabarbaraca.gov/Resident/Home/Guidelines/#USSGuidelines>



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request From Councilmembers Schneider and Williams Regarding A Letter Opposing New Federal Offshore Oil Drilling

RECOMMENDATION:

That Council consider the request of Councilmembers Schneider and Williams to send a letter opposing new federal offshore oil drilling.

DISCUSSION:

Attached is a copy of the memorandum from Councilmembers Schneider and Williams requesting that Council send a letter opposing new Federal offshore oil drilling.

The Outer Continental Shelf Lands Act requires the U.S. Department of Interior (DOI) to prepare a leasing program every five years. These programs are charged with identifying the size, location, and timing of oil and gas leasing on the nation's outer continental shelf that best meets the nation's energy needs. The 2007-2012 leasing program in effect today does not identify any leasing activity in the Pacific Outer Continental Shelf Region. However, in 2008 President Bush terminated the Presidential Executive Order that placed California off limits to new oil and gas leasing. In January 2009, the DOI released the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program for 2010-2015 for public comment. The document also doubles as a notice of intent to prepare an environmental impact statement. Comments are due on September 21, 2009.

The proposed program includes the following elements.

- New oil/gas leasing includes four areas offshore of California: Point Arena/Fort Bragg; Santa Maria Basin; Santa Barbara Channel including Santa Barbara Ecological Preserve; and Oceanside/Capistrano Basin;
- Leasing for offshore windfarms offshore northern Santa Barbara County and other areas;

Council Agenda Report

Request From Councilmembers Schneider and Williams Regarding A Letter Opposing New Federal Offshore Oil Drilling

September 15, 2009

Page 2

- Leasing for offshore wave energy offshore northern Santa Barbara County and other areas;
- New regulations for mandatory unitization (combines two or more leases into single units for purposes of minimizing infrastructure); *and*
- Buffer zone.

Separately, the MMS is getting ready to issue final rulemaking to establish a Safety and Environmental Management System. This subjects offshore platform operators to new requirements proposed to reduce accidents and oil spills caused by human errors.

The City Council has in the past through its Legislative Platform, various resolutions, and in language contained in the General Plan, opposed any additional offshore drilling. As a result, Community Development staff prepared the attached letter for the Mayor's signature to the Minerals Management Service opposing their proposed leasing program.

Recently, the Board of Supervisors also considered the proposed leasing program and voted to submit comments to the Minerals Management Service opposing any new drilling in offshore waters. The staff report to the Board of Supervisors is also included in this packet for your information; it is an attachment to the Memorandum from Councilmembers Schneider and Williams.

ATTACHMENTS:

1. Memorandum from Councilmembers Schneider and Williams (Board of Supervisors Agenda Letter Attached to Memorandum)
2. Draft Letter to Minerals Management Service

PREPARED BY: James L. Armstrong, City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office

City of Santa Barbara
Mayor and Council Offices

RECEIVED

SEP 03 2009

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

Memorandum

DATE: September 02, 2009

TO: Jim Armstrong, City Administrator

FROM: Councilmember Das Williams
Councilmember Helene Schneider

SUBJECT: Letter Opposing New Federal Offshore Oil Drilling

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the September 15, 2009 Santa Barbara City Council Agenda regarding drafting a letter that states the City of Santa Barbara's support of the current federal off-shore oil moratorium.

- Summary of Information to be Presented and Background Information

A proposal to draft a letter from the Council of the City of Santa Barbara that opposes any new federal offshore oil and gas leasing off the Santa Barbara coastline in response to the Minerals Management Service's Draft 2010-2015 Oil and Gas Leasing Program. Please refer to the attached document for language details.

- Statement of Specific Action

Councilmembers Williams and Schneider request that Council authorize staff to compose a letter opposing any expansion of federal offshore oil and gas leasing off the Santa Barbara coastline and send it to:

Mr. Renee, Chief of the Leasing Division of the Minerals Management Service
Governor Arnold Schwarzenegger, State of California
U.S. Senator Diane Feinstein, California
U.S. Senator Barbara Boxer, California
U.S. House of Representatives Member Lois Capps, Santa Barbara
Ellen Aronson, Regional Manager, Minerals Management Service, Pacific OCS Region
Brian Baird, Assistant Secretary, California Resources Agency
Alison Dettmer, Manager – Energy and Ocean Resources, California Coastal Commission

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

This is appropriate and within the jurisdiction of the Council because the City has already adopted opposition to new offshore oil and gas leasing off the Santa Barbara coastline in its legislative platform. It is furthermore time sensitive as the comment deadline for the Minerals Management Service's Draft 2010-2015 Oil and Gas Leasing Program is 9/21/09.



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: September 1, 2009
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department
Director(s) Dianne Black, 568-2086
Contact Info: Doug Anthony, 568-2046

Dianne M. Black

SUBJECT: Overview of Offshore Oil & Gas Development; Draft Proposed Five-Year Outer Continental Shelf Leasing Program; Minerals Management Service Rulemaking

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Recommended Actions:

That the Board of Supervisors:

- a) Receive an overview of offshore oil and gas development from the Energy Division (Attachment A);
- b) Authorize the Chair to execute a comment letter, opposing the draft Five-Year Outer Continental Shelf Leasing Program proposed by the U.S. Department of the Interior (Attachment B); and
- c) Authorize the Chair to execute a comment letter, supporting rulemaking proposed by the Minerals Management Service that seeks to require all offshore operators to implement a Safety and Environmental Management System (Attachment C).

Summary Text:

Overview of Offshore Oil/Gas Leasing and Development

Earlier this year, Supervisor Carbajal requested the Energy Division to provide the Board with an overview of oil and gas development offshore Santa Barbara County. Staff timed the overview to coincide with the following events:

- (1) The recent conclusion of litigation involving 36 undeveloped oil and gas leases offshore Santa Barbara County,
- (2) Consideration of comments on the next five-year leasing program (due 9-21-09), and
- (3) Consideration of comments on recently proposed regulations due 9-15-09).

The overview, included as Attachment A, provides a brief historical perspective, summarizes recently proposed projects, and identifies forthcoming policy considerations. Staff proposes to return at a later date with a report focused on offshore oil/gas safety.

Five-Year Outer Continental Shelf Leasing Program

The Outer Continental Shelf Lands Act (OCSLA) requires the U.S. Department of the Interior (DOI) to prepare a leasing program every five years. These programs are charged with identifying the size, location and timing of oil and gas leasing on the nation's outer continental shelf that best meets the nation's energy needs. The 2007-2012 leasing program in effect today does not identify any leasing activity in the Pacific Outer Continental Shelf (OCS) Region.

Last year, DOI commenced preparation of the next 5-year leasing program two years ahead of schedule. After soliciting initial public comment, DOI circulated a proposed draft program – <http://www.mms.gov/5-year/2010-2015New5-YearHome.htm> -- that includes four areas offshore California for consideration of new oil/gas leases: (1) the Point Arena Basin offshore Fort Bragg, (2) the Santa Maria Basin offshore Santa Barbara and San Luis Obispo Counties, (3) the Santa Barbara Channel offshore Santa Barbara and Ventura Counties, and (4) the Oceanside/Capistrano Basins offshore San Diego County (see Figure 1 on the following page). These offshore areas were selected because they are known to have potential hydrocarbon resources. The program preliminarily schedules a lease sale offshore Santa Barbara County in 2012.

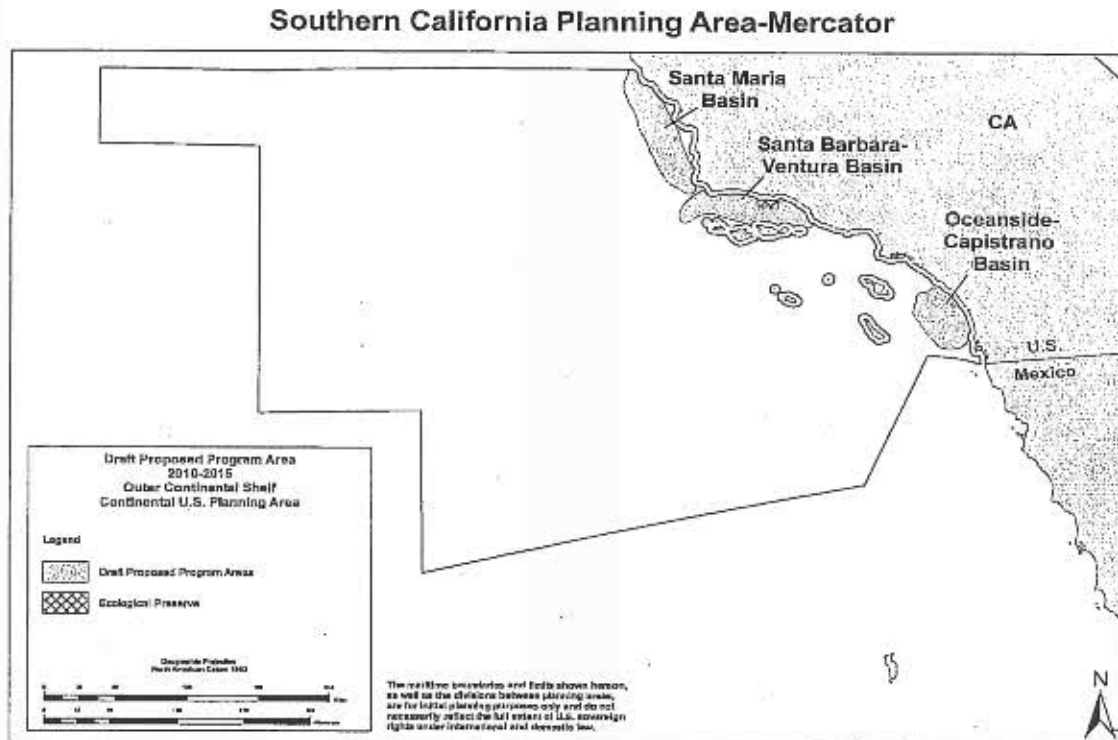
DOI views the draft proposed program as providing a basis for conducting further research and analysis to inform its decisions on future offshore leasing. Comments on the proposed draft program, and the scope of the associated Environmental Impact Statement, must be submitted by September 21, 2009. DOI provides additional opportunities for public comment at key milestones during preparation of the leasing program, which is routinely accompanied by an Environmental Impact Statement (EIS).

This draft leasing program follows the termination of a Congressional leasing moratorium that restricted where offshore leasing could occur, as well as termination of a Presidential Executive Order that placed certain OCS planning areas, including those offshore California, off limits to new oil and gas leasing.¹ It will also represent the first five-year leasing program since adoption of the Energy Policy Act of 2005, which authorizes DOI to issue OCS leases for the development of alternative energy. Consequently, DOI plans to expand the scope of this leasing program beyond the traditional focus on oil and gas to consider potential interaction between any prospective oil and gas projects and any potential alternative energy projects, especially wind-energy projects. The draft proposed program considers any planning for alternative energy offshore Santa Barbara County to be tentative at this time. Initial, limited interest

¹ Former President George H.W. Bush first imposed the Presidential Executive Order in 1990. He withdrew areas offshore Florida and California from leasing in response to a study by the National Research Council, concluding that environmental information for OCS decisions in those areas was inadequate. Former President Clinton extended that withdrawal through mid-2012; however, former President George W. Bush rescinded the Executive Order last year.

expressed by prospective developers focused on the existing power cable that connects the PG&E grid with Platform Irene.

Figure 1: Proposed Leasing in the Southern California Planning Area



Earlier this year, the Santa Barbara County Board of Supervisors adopted a Resolution that opposes new oil and gas leasing offshore Santa Barbara County. The draft comment letter (Attachment B) includes the previously adopted Resolution. The recommended comment letter also includes comments on the scope of the EIS (Exhibit B) in case DOI continues to include the Santa Barbara Channel and Santa Maria Basin in its leasing program.

The comment letter raises two points in response to specific questions posed in the draft proposed program, regarding leasing offshore Santa Barbara County. First, DOI asks if mandatory unitization should be required offshore California to reduce the number of facilities required to development offshore resources. Unitization combines two or more leases into a single unit, assigns a single operator to produce all leases within the unit, and prevents the expiration of non-producing leases within the unit so long as at one lease is producing or in process to begin production.

Staff recommends that any unitization be limited to single fields; unitization of multiple fields and leases allows leases to remain inactive far beyond their original lease term, rather than expiring, as has happened previously offshore Santa Barbara County. Although unitization can serve to limit the number of potential facilities necessary to develop multiple leases, this objective is best achieved by limiting the number of tracts offered for leasing in the first place, as opposed to the mass offshore leasing approach of the past. The current area proposed for lease sale offshore the County far exceeds this region's capacity to accommodate it without massive industrialization in offshore and onshore areas, and potentially, renewed demand for marine tankering.

Second, the draft proposed program includes leasing in the Ecological Preserve offshore the City of Santa Barbara and the unincorporated area of Montecito, with the provision that access to such leases would only be available from structures situated outside the preserve. Staff recommends the Board specifically oppose leasing within the preserve for three primary reasons:

1. This approach further reduces or eliminates imposition of a buffer zone between the preserve and potential new oil/gas development, thereby further risking the unique ecology of the preserve
2. The platforms currently located in proximity to the preserve – Platforms A, B, C, Hillhouse, Henry, Houchin, and Hogan – are relatively old, being installed between 1967 and 1979, and were not sized or designed to accommodate for directional-reach drilling technology, which came along in the late 1980s and 1990s.
3. The preserve fronts one of the County's most productive tourist locations. Allowing for any leasing in this area disregards the adverse effects that could occur with oil development so close to the area.

Proposed Regulations by the Minerals Management Service

The Minerals Management Service (MMS) has proposed regulations to require all offshore platform operators to establish a Safety and Environmental Management System (SEMS). SEMS would consist of four elements: (1) Hazards Analysis, (2) Management of Change, (3) Operating Procedures, and (4) Mechanical Integrity. The recommended regulations are based on investigations of previous accidents that equipment failure is rarely the primary cause, largely due to technological improvements. However, the investigation concludes that, in most cases, accidents and oil spills can be traced to human error and/or organizational failures.

The investigations appear consistent with incidents over the last two decades offshore Santa Barbara County where primary causes often relate to human error. The investigations would also appear to resolve debate about the safety of offshore oil and gas development. Technological advances have improved safety; however, operations remain susceptible to incidents caused by human error.

Staff recommends that the Board support the proposed SEMS, and encourage the MMS to develop performance measures to evaluate the effectiveness of SEMS, with results published periodically for public review. Attachment C contains a draft comment letter on the proposed regulations for the Board's consideration; the rulemaking is contained in Attachment D.

Background:

Historically, 10 lease sales have occurred offshore California between 1963 and 1984, resulting in 369 leases. Approximately 200 of these leases were situated offshore the tri-county region of Ventura, Santa Barbara, and San Luis Obispo. Today, 46 remain offshore Santa Barbara and Ventura Counties, seven of which will be terminated shortly, due to settlement of litigation. See Attachment A for more information.

Fiscal and Facilities Impacts:

Budgeted: Yes **Fiscal Analysis:**

New OCS oil and gas leasing and development would generate revenues for the federal government in the form of lease-sale receipts, annual rent on inactive leases, and royalty on production from active leases. However, the County would not receive a direct share of these revenues, under current law. In April of this year, the U.S. Senate rejected a proposal to expand revenue-sharing with adjacent states, and possibly with local jurisdictions, by a vote of 36-61. A press release issued after the vote from the Chair of the Senate's Energy & Natural Resources Committee, Senator Jeff Bingaman, noted that any new OCS revenue sharing must be revenue neutral, starting last fall (i.e., offset with increased taxes or reductions in entitlement programs. Senators from Mississippi and Alaska are still pursuing some form of revenue-sharing.

Any new OCS tracts leased within three miles of state waters would result in a 27% sharing of revenues with the State of California under current law, including bonuses (i.e., amount an oil company bid for the lease), rent, and royalties on any potential production. No such revenue sharing would occur for tracts leased beyond three miles of state waters. State waters extend three miles seaward of the mean-high tide.

Potential revenue paid directly to the County from new OCS leasing offshore Santa Barbara County would occur by way of property- tax assessments on any new infrastructural constructed and operated to support new offshore development, or any extension in the life of existing infrastructure. It would be premature to attempt any projection of potential assessments, since the volume of potential oil and gas remains unknown and current reserve estimates for the entire Southern California Planning Area, which extends San Luis Obispo County to the U.S.-Mexican border, are not broken down to sub-regions.

Expenditures for staff to prepare the overview of offshore oil/gas development is budgeted on page D-320 of the FY-09/10 draft budget book in line-item Permitting and Compliance (program 5010), under "Use of Funds Summary." Expenditures to review and prepare responses to the five-year leasing program and proposed rulemaking appear in line-item Long Range Planning (program 5080).

Special Instructions:

Return executed comment letters to Doug Anthony for electronic submittal.

Attachments:

- A. Overview of Oil and Gas Development Offshore Santa Barbara County
- B. Draft Comments on the Federal Five-Year Leasing Program
- C. Draft Comments on Proposed Regulations by the MMS
- D. Proposed Safety and Environmental Management System Rulemaking

Authored by:

Doug Anthony and John Day

DRAFT

September 8, 2009

Ms. Renee Orr
Chief, Leasing Division
Minerals Management Service, MS 4010
381 Elden Street
Herndon, VA 20170-4817

Dear Ms. Orr,

The City of Santa Barbara has reviewed the Minerals Management Service's (MMS) Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2010-2015 and notice of intent to prepare an environmental impact statement for that program. It is our understanding that the Draft Leasing Program includes potential new oil leases in the Santa Barbara/Ventura Basins, including the Santa Barbara Ecological Preserve. The City continues to be opposed to any new Federal oil leases in the Santa Barbara Channel and, in particular, any new leases in the Santa Barbara Ecological Preserve and associated buffer zone.

The Santa Barbara Channel and shoreline offer a unique recreational and environmental setting which attracts visitors from across California and the nation. The City's coastal natural resources, ocean-related and visitor-serving commercial uses, and active harbor are dependent upon healthy marine resources in the channel. The devastating effects of the 1969 oil spill on Santa Barbara clearly demonstrated the severe impacts offshore oil drilling can have on our coastal resources. The designation of the Federal Santa Barbara Ecological Preserve and buffer zone in 1968 and 1969 are a testament to the unique ecology of the area and the history of damaging oil spills that have already affected our coastal resources and communities.

The City's General Plan states clearly that the City should "continue efforts to prohibit new oil exploration, drilling, and production in the channel and to cause the termination of existing leases and the removal of platform structures." Opening of new Federal oil leases offshore of Santa Barbara would prolong the use of aging, technologically outdated, and unsightly oil platforms and would likely lead to the installation of new oil infrastructure both onshore and offshore. The potential impacts to our economy, commercial fishing, tourism, and sensitive coastal resources from accidents and spills outweigh any public benefit of developing new oil leases in the channel.

We strongly encourage MMS to consider removing the Santa Barbara Channel from the OCS Oil Leasing Program for 2010-2015. Additionally, any environmental impact statement for the Draft Leasing Program will need to include a comprehensive environmental evaluation that does not defer analysis of potential impacts to future steps in the leasing process.

Sincerely,

Marty Blum
Mayor

Cc: Santa Barbara City Council
Jim Armstrong, City Administrator

Paul Casey, Community Development Director
David Hayes, Deputy Secretary, Department of the Interior
Ellen Aronson, Director, MMS Pacific OCS Region
U.S. Senator Barbara Boxer
U.S. Senator Diane Feinstein
Representative Lois Capps
State Senator Tony Strickland
State Assemblymember Pedro Nava
Peter Douglas, Executive Director, California Coastal Commission
Paul Thayer, Executive Officer, California State Lands Commission
County of Santa Barbara Board of Supervisors
Doug Anthony, Deputy Director, Energy Division, County of Santa Barbara
Carpentaria City Council
Goleta City Council
Linda Krop, Environmental Defense Center



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Rudy Munoz v. City of Santa Barbara, et al.*, SBSC Case Number 1302638.

SCHEDULING:

Duration, 15 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Pending Litigation

RECOMMENDATION:

That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed.

The pending litigation is *Christine A. Kravetz v. City of Santa Barbara, et al.*, SBSC Case Number 1303351.

SCHEDULING:

Duration, 15 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 15, 2009
TO: Mayor and Councilmembers
FROM: City Attorney's Office
SUBJECT: Conference With Legal Counsel – Potential Litigation

RECOMMENDATION:

That Council hold a closed session to consider potential litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed.

SCHEDULING:

Duration, 15 minutes; anytime

REPORT:

None anticipated

SUBMITTED BY: Stephen P. Wiley, City Attorney

APPROVED BY: City Administrator's Office